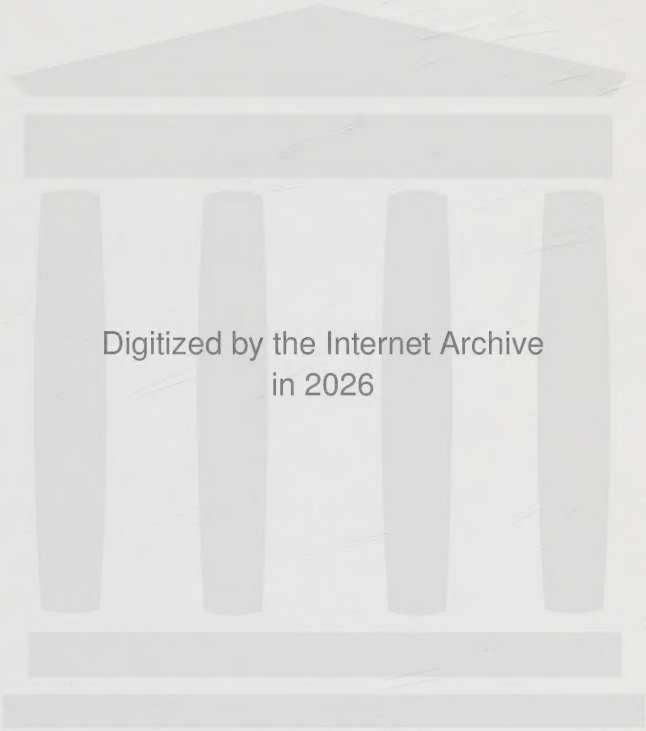
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PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND.

1878.

THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

FORTY-FIRST AND FORTY-SECOND YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the **Fifth Session** of the **Twenty-first Parliament** of the United Kingdom of *Great Britain* and *Ireland.*

WITH INDEX, AND TABLES OF THE GENERAL, LOCAL, AND PRIVATE ACTS PASSED IN THE ABOVE SESSION; AND TABLES SHOWING THE EFFECT OF THE YEAR'S LEGISLATION.

TO WHICH IS ADDED

AN APPENDIX

CONTAINING

THE ACTS OF SEDERUNT OF THE COURT OF SESSION, &c.

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland, by
WILLIAM BLACKWOOD AND SONS
EDINBURGH
1878

LICENCE.—In terms of Her Majesty's Letters Patent to Her Printers for Scotland, and of the Instructions issued by Her Majesty in Council, dated Eleventh July Eighteen Hundred and Thirty-nine, I hereby License and Authorize WILLIAM BLACKWOOD AND SONS, Printers in Edinburgh, to Print and Publish, as by the Authority of Her Majesty, Acts of Parliament, Edicts, Proclamations, or other Papers printed by Royal Authority, as proposed in their Declaration, dated Twenty-sixth February Eighteen Hundred and Forty-eight: the terms and conditions of the said Instructions in this matter being always and in all points fully complied with and observed by the said WILLIAM BLACKWOOD AND SONS.

LONDON, 31*st March* 1848. AND. RUTHERFURD.

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PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

41 VICTORIA 1878.

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An Act to apply the sum of Six million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-eight.—[25*th February* 1878.]

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Sect. 2.—Power to the Treasury to borrow.

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An Act to raise the sum of Six million pounds by Exchequer Bonds, Exchequer Bills, or Treasury Bills.—[25*th February* 1878.]

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CHAPTER 4.

(Parliamentary Elections, Metropolis.)

An Act to extend the hours of Polling at Parliamentary Elections in the Metropolis.—[25*th February* 1878.]

CHAPTER 5.

An Act to relieve certain Occupiers of Dwelling-houses in Scotland from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their under-letting such Dwelling-houses for short terms.—[18*th March* 1878.]

WHEREAS questions have arisen upon the occupation required by the third section of the Representation of the People (Scotland) Act, 1868: A.D. 1878 — 31 & 32 Vict. c. 48.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall be cited for all purposes as the House Occupiers Disqualification Removal (Scotland) Act, 1878. Short title.

2. From and after the passing of this Act every man shall be entitled to be registered and to vote under the provisions of the said section notwithstanding that during a part of the qualifying period not exceeding four months in the whole he shall by letting or otherwise have permitted the qualifying premises to be occupied as a furnished house by some other person. Letting as furnished house for certain periods not to disqualify.

CHAPTER 6.

(Glebe Loan, Ireland, Amendment.)

An Act to amend the Glebe Loan (Ireland) Amendment Act, 1875.—[18*th March* 1878.]

CHAPTER 7.

(Exchequer Bonds.)

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[41 Vict. Ch. 8.]

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2. Application of Act and description of local authority.

Public Parks, Pleasure Grounds, &c.

3. Local authorities may provide places of public recreation.
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Saving Clause.
26. Relation of local Acts to this Act.

Definitions.
27. Construction of terms of Act.
SCHEDULE.

CHAPTER 8.

An Act to enable Local Authorities to acquire and lay out land for Public Parks and Pleasure Grounds in Scotland.—[18*th March* 1878.]

WHEREAS it is desirable to assimilate the laws respecting the acquisition of land by local authorities for certain purposes, otherwise than by agreement:

38 & 39 Vict. c. 55. 38 & 39 Vict. c. 49.

And whereas the Public Health Act, 1875, and the Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875, contain powers in this respect which may with great advantage be extended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

A.D. 1878

Short title.

1. This Act may be cited for all purposes as the Public Parks (Scotland) Act, 1878.

Application of Act and description of local authority.

2. This Act shall apply only to Scotland, and the local authority shall be the local authority of any burgh under the Public Health (Scotland) Act, 1867.

Public Parks, Pleasure Grounds, &c.

Local authorities may provide places of public recreation.

3. From and after the passing of this Act any local authority may purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as parks, public walks, or pleasure grounds, and may support or contribute to the support of parks, public walks, or pleasure grounds provided by any person whomsoever.

Local authorities may make byelaws.

4. Any local authority may make byelaws for the regulation of any such parks, public walks, or pleasure grounds, and may by such byelaws provide for the removal from such parks, public walks, or pleasure grounds of any person infringing any such byelaw by any officer of the local authority or constable.

Purchase of Lands.

Power to purchase lands.

5. Any local authority may, for the purposes and subject to the provisions of this Act, purchase or take on lease, sell, or exchange any lands, whether situated within or without their district.

Any lands acquired by a local authority in pursuance of any powers in this Act contained, and not required for the purpose for which they were acquired, shall (unless the Secretary of State otherwise direct, and subject to the provision herein-after contained in the case of lands taken compulsorily,) be sold at the best price that can be gotten for the same, and the proceeds of such sale shall be applied towards discharge, by means of a sinking fund or otherwise, of any principal moneys which have been borrowed by such authority on the security or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding shall be carried to the account of any fund or rate of such local authority.

Provided that where any lands acquired compulsorily under the powers of this Act are not required for the purpose for which they were acquired, it shall not be lawful for the local authority to sell them or any portion thereof in terms of this section, or to let them or any portion thereof for building purposes, until they shall first have offered to sell them or such portion thereof to the person or persons then entitled to the lands from which they were originally severed; and if any person entitled to such pre-emption shall within six weeks after an offer has been made to him in terms of this section intimate

A.D. 1878 his desire to purchase any such lands, and such person and the local authority do not agree as to the price thereof, then such price shall be ascertained by arbitration in manner provided by the Lands Clauses Consolidation (Scotland) Acts.

Regulations as to purchase of lands.

6. With respect to the purchase of lands by a local authority for the purposes of this Act the following regulations shall be observed; (that is to say,)

(1.) The Lands Clauses Consolidation (Scotland) Acts, to the extent herein-after mentioned, shall be incorporated with this Act:

(2.) The local authority, before putting in force any of the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, shall publish once at the least in each of three consecutive weeks in the month of October, in some local newspaper circulated in their district, an advertisement describing shortly the nature of the undertaking in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands that they require; and shall further serve a notice in the month of November on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such lands:

(3.) On compliance with the provisions of this section with respect to advertisements and notices, the local authority may, if they think fit, present a petition to the Secretary of State. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neuter in respect of the taking such lands, or who have returned no answer to the notice; it shall pray that the local authority may, with reference to such lands, be allowed to put in force the powers of the said Lands Clauses Consolidation (Scotland) Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Secretary of State may require:

(4.) On the receipt of such petition and on due proof of the proper advertisements having been published and

notices served, the Secretary of State shall take such petition into consideration, and may either dismiss the same or direct a local inquiry as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof:

(5.) After the completion of such inquiry, the Secretary of State may, by provisional order, empower the local authority to put in force, with reference to the lands referred to in such order, the powers of the said Lands Clauses Consolidation (Scotland) Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as he may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

Provided that the notices by this section required to be given in the months of October and November may be given in the months of September and October; and any notices or orders by this section required to be served on a number of persons having any right in, over, or on lands in common may be served on any three or more of such persons on behalf of all such persons.

Power to let lands.

7. Any local authority may, with the consent of the Secretary of State, let for any term any lands which they may possess as and when they can conveniently spare the same.

Provisional Orders by Secretary of State.

As to provisional orders made by Secretary of State.

8. With respect to provisional orders authorised to be made by the Secretary of State under this Act the following enactments shall be made:

(1.) The Secretary of State shall not make any provisional order under this Act unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates:

(2.) Before making any such provisional order the Secretary of State shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject-matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in man-

A.D. 1878

ner aforesaid, and at which all persons interested shall be permitted to attend and make objections:

(3.) The Secretary of State may submit to Parliament for confirmation any provisional order made by him in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:

(4.) If while the Bill confirming any such order is pending in either House of Parliament a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills:

(5.) The Secretary of State may revoke, either wholly or partially, any provisional order made by him before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament:

(6.) The making of a provisional order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with:

(7.) Every Act confirming any such provisional order shall be deemed to be a Public General Act.

Costs to be awarded in certain cases.

9. Where any Bill for confirming a provisional order under this Act is referred to a Committee of either House of Parliament upon the petition of any person opposing such Bill, the Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill, as the Committee may think just.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

The decision of the majority of the members of the Committee for the time being present and voting on any question under this section shall be deemed to be the decision of the Committee.

Costs of provisional order.

10. The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Secretary of State, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in or affected by such

provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Secretary of State, the local authority may contract a loan for the purpose of defraying such costs. A.D. 1878

Acquisition of Land.

Acquisition of land.

11. The clauses of the Lands Clauses Consolidation (Scotland) Acts with respect to the purchase and taking of lands otherwise than by agreement, shall not, except to the extent set forth in the schedule hereto, apply to any lands taken in pursuance of this Act, but, save as aforesaid, the said Lands Clauses Consolidation (Scotland) Acts, (except sections one hundred and twenty to one hundred and twenty-two, both inclusive, of the Lands Clauses Consolidation (Scotland) Act, 1845,) as amended by the provisions contained in the schedule hereto, shall regulate and apply to the purchase and taking of lands in Scotland, and shall for that purpose be deemed to form part of this Act in the same manner as if they were enacted in the body thereof, subject to the provisions following; that is to say, 8 & 9 Vict. c. 19.

(1.) This Act shall authorise the taking by agreement any lands which the local authority may require for the purposes of this Act, and it shall authorise the taking by the exercise of any compulsory powers of such lands as are required for the purposes of this Act to be taken compulsorily:

(2.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this Act requires to be assessed, such lands or interests shall be valued as if they were lands or interests taken compulsorily under the provisions of the Lands Clauses Consolidation (Scotland) Acts.

Extinction of rights of way and other servitudes.

12. Upon the purchase by the local authority of any lands required for the purpose of carrying this Act into effect, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands or part thereof, and all other rights or servitudes in or relating to such lands, or any part thereof, shall be extinguished, and the solum of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit.

A.D. 1878

Expenses.

Separate account to be kept for the purposes of this Act.

13. A separate account shall be kept by the local authority in respect of any transactions under this Act.

The moneys required for the purposes of this Act shall be supplied out of the local rate, or out of moneys borrowed in pursuance of this Act.

The "local rate" shall mean an assessment to be levied and recovered by the local authority along with, but as a separate assessment from, any one of the assessments mentioned in section ninety-five of the Public Health (Scotland) Act, 1867.

30 & 31 Vict. c. 101.

Power of borrowing money for the purposes of this Act.

14. Any local authority under this Act may, for the purposes of this Act borrow any moneys on the security of any lands acquired by them under this Act, and may mortgage such lands to any person advancing such moneys, and it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for the misapplication thereof.

Every local authority borrowing on the credit of such lands as aforesaid may pay out of the local rate the interest of any moneys so borrowed by them.

Any local authority under this Act borrowing any moneys on the security of any lands as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient.

Any local authority under this Act shall have the same power of borrowing on the credit of the local rate such sums of money as they may require for the purposes of this Act as they have under section eighty-six of the Public Health (Scotland) Act, 1867, for the purpose of making, enlarging, or constructing sewers.

Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act.

Audit of accounts.

15. The accounts of a local authority in any burgh under this Act shall be audited in the same manner, and with the same power in the officers auditing the same, in which the account of the police assessment in such burgh is for the time being required to be audited under any general or local Act.

Byelaws.

Authentication and alteration of byelaws.

16. All byelaws made by a local authority under and for the purposes of this Act shall be signed by the clerk thereof; and

any such byelaws may be altered or repealed by subsequent byelaws made pursuant to the provisions of this Act: Provided that no byelaws made under this Act by a local authority shall be of any effect if repugnant to the laws of Scotland or to the provisions of this Act. A.D. 1878

Power to impose penalties on breach of byelaws.

17. Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Confirmation of byelaws.

18. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Secretary of State, who is hereby empowered to allow or disallow the same as he may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

Byelaws to be printed, &c.

19. All byelaws made by a local authority under this Act shall be printed and hung up in the office of such authority, and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same.

Evidence of byelaws.

20. A copy of any byelaws made under this Act by a local authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws, without further or other proof.

Places of

21. Where in any burgh or place places of recreation as

A.D. 1878

described in this Act are at present or may become vested in magistrates and town councils or other bodies or trustees for behoof of the community of such burgh or place, all the powers of making and enforcing byelaws conferred by this Act upon local authorities are hereby conferred upon and may be exercised by such magistrates and town council or other bodies or trustees with reference to such places of recreation to the like effect as if they were hereby constituted local authorities.

recreation vested in town councils or other bodies.

General Provisions.

Provision where local authority has no seal.

22. Any petition or document proceeding from a local authority may be authenticated by their seal where such authority have a seal, and in any other case by the signature of any two or more members of the local authority, or in such other manner as the Secretary of State may require.

Notices.

Service of notice on the local authority.

23. Any notice required to be served upon the local authority may be lawfully served by delivering the same to the clerk of the local authority, or leaving the same at his office with some person employed there by him.

Authentication of notices served by the local authority.

24. Any notice served by the local authority for the purposes of this Act may be signed by the clerk of the local authority.

Penalties how recovered. 27 & 28 Vict. c. 53.

25. All penalties imposed under this Act shall be recovered before the sheriff of the county in the sheriff court, under the provisions of the Summary Procedure Act, 1864, and all the jurisdiction, powers, and authorities necessary for this purpose are hereby conferred on sheriffs.

Saving Clause.

Relation of local Acts to this Act.

26. Where in any place to which this Act applies any local Act is in force providing for objects the same as or similar to the objects of this Act, the enactments of such local Act may be enforced at the discretion of the local authority either instead of or in concurrence with this Act.

Definitions.

Construction of terms of Act.

27. The expressions hereinafter mentioned shall respectively have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say,

"Secretary of State" means one of Her Majesty's Principal Secretaries of State.

"The Lands Clauses Consolidation (Scotland) Acts" shall mean the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860. A.D. 1878 —— 8 & 9 Vict c. 19. 23 & 24 Vict. c. 106.

"Person" shall include a body of persons, corporate or unincorporate.

"Lands" shall include lands and heritages of any tenure, and any right over land.

"Burgh" shall have the meaning assigned to it in the Public Health (Scotland) Act, 1867.

"Sell" shall include convey by way of feu or contract of ground annual.

"The Court of Session" shall mean either division of the inner house thereof.

"The Treasury" shall mean the Lords Commissioners of the Treasury, or any two of them.

SCHEDULE.

PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF LANDS IN SCOTLAND OTHERWISE THAN BY AGREEMENT, AND OTHERWISE AMENDING THE LANDS CLAUSES CONSOLIDATION (SCOTLAND) ACT, 1845.

Deposit of Maps and Plans.

1. The local authority shall, before advertising their intention to take lands, cause to be made out and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily (which lands are herein-after referred to as the scheduled lands), together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers.

2. The local authority shall deposit such maps and schedules at the office of the Secretary of State, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

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Appointment of Arbitrator.

3. After such deposit at the office of the Secretary of State as aforesaid, it shall be lawful for the Secretary of State, upon the application of the local authority, to appoint an arbitrator between the local authority and the persons interested in the scheduled lands, so far as compensation for the same has not been made the subject of agreement.

Proceedings on Arbitration.

4. Before any arbitrator enters upon any inquiry, he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,—

"I, *A.B.*, do solemnly and sincerely declare that I will "faithfully and honestly, and to the best of my skill and "ability, hear and determine the matters referred to me "under the provisions of the Public Parks (Scotland) Act, "1878.

"*A.B.*

"Made and subscribed in the presence of ."

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a crime and offence.

5. As soon as an arbitrator has been appointed as aforesaid the Secretary of State shall deliver to him the maps and schedules deposited at his office, and the local authority shall publish once in each of three successive weeks the following particulars:

(*a.*) The appointment of the arbitrator:

(*b.*) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same:

(*c.*) A requisition directing the owners of or parties by this Act enabled to sell and convey any of the said scheduled lands, or any interest in such lands, to deliver to the arbitrator, on or before a day fixed by the arbitrator and named in such requisition (and being a day not earlier than twenty-one days from the date of the insertion of the last of such notices), a short statement in writing of the nature of their respective claims.

6. The arbitrator shall, after the expiration of the period within which such claims are required to be delivered to him as aforesaid, and so far as such claims may not be settled by agreement, proceed to inquire into and adjudicate according to the basis provided in this Act upon the compensation to be paid in respect of the scheduled lands and of the several interests in such lands.

7. The arbitrator shall, after due inquiry and examination, frame a provisional award, setting forth the compensation to be paid by the local authority in respect of the several interests in the said scheduled lands.

8. The provisional award shall be deposited at the office of the Secretary of State, and a copy shall be deposited at the office of the local authority.

9. The arbitrator shall cause notice of such award to be given to all persons entitled to compensation under the same, or who have made a claim before such arbitrator as claimants for compensation; the arbitrator shall cause notice to be published once in each of three successive weeks, stating that a copy of the provisional award has been deposited by the local authority, and he shall in the notice of the award given to such persons as aforesaid, and also in the published notice, appoint a time and place or times and places for holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier than twenty-one days after the last day of publication of the said notice).

10. The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such provisional award by any person interested therein, or adjourn the further hearing thereof if the arbitrator see fit to a future meeting, and may take any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands, or the justice or propriety of any other matter of such provisional award, and may from time to time, if he see occasion, appoint and hold further meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed.

11. When the arbitrator has heard and determined all such objections, and made such inquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem proper in the provisional award, he shall sign and issue a final award accordingly; and thereupon such final award shall be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons

A.D. 1878 whomsoever, and no such award shall be set aside for irregularity in matter of form.

12. Such final award as aforesaid shall be deposited at the office of the Secretary of State, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award so confirmed, and further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority, on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, together with a legal progress of the title deeds of the lands in respect of which the claim is made; and such statement, and an inventory of the title deeds forming such progress, shall be paid for by the local authority.

Payment of Purchase Money.

13. Within thirty days from the delivery of such statement and progress of titles as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

14. Every such certificate shall be prepared by and at the cost of the local authority, and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

15. The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her heirs, executors, or assignees.

16. If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to record the same in the books of council and session, or other judge's books competent, and to have a decree interponed thereto, and to be extracted with a view to execution, in the like manner as if a formal clause of registration had

been contained therein; and all diligence and execution shall be competent thereon in the like manner and to all effects as upon any bond containing such formal clause of registration; and all moneys payable under such certificates, or to be recovered by such execution and diligence as aforesaid. A.D. 1878

17. When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise as herein provided in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his heirs, executors, or assignees, it shall be lawful for the local authority, upon obtaining such conveyance as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

18. In every case in which any moneys are paid by any local authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a conveyance of the lands in respect of which such moneys are paid, or of all the estate and interest of such party, and of all parties claiming under or through him, in such lands, and every such conveyance shall be prepared by and at the cost of the local authority.

19. If it appear to the local authority from any such statement and progress of titles as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title. 8 & 9 Vict. c. 19.

20. Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him,

A.D. 1878 then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into any one of the incorporated or chartered banks in Scotland in manner provided by the last-mentioned clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, and the amount so paid into the said bank shall be accordingly dealt with as by the said Act provided.

8 & 9 Vict. c. 19.

21. Nothing herein contained shall prevent the local authority from requiring any further evidence of title respecting any lands included in any such award as aforesaid, in addition to the statement and progress of titles herein-before mentioned, if they think fit, so as the same be obtained at the cost of the local authority.

22. If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and charges of the local authority, be enforced by any party or parties, by application to the Court of Session, in a summary way, by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

Entry on Lands on making Deposit.

23. Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time after the arbitrator has framed his provisional award, upon depositing in any of the banks before mentioned such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such provisional award, to enter upon and use such lands for the purposes of this Act, and the arbitrator shall, upon the request of the local authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such provisional award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such provisional award as the sum or

sums to be paid by the local authority in respect of such lands, A.D. 1878
or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made; provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of this Act, such compensation is required to be paid into any of the said banks, then until the same, with such interest, is paid into such bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

24. The money so deposited as last aforesaid shall be paid into any of the said banks to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in such bank in similar cases, or to such account as may be directed by any order of the Court of Session, and remain in the bank by way of security to the parties interested in the lands which have been so entered upon for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Government securities, and accumulated; and upon such payment as aforesaid by the local authority it shall be lawful for the Court of Session, upon the like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

Appeal.

25. Where the party named in any certificate issued under the provisions herein-before contained of the amount of the

A.D. 1878 compensation ascertained by any award under this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds five hundred pounds; and

Where any party claiming any interest in any moneys so paid into bank as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into bank, and such amount exceeds five hundred pounds; also

Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceeds the sum of five hundred pounds:

The party dissatisfied may submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after notice has been given that the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen—

(1.) Where a certificate has been issued as aforesaid, at the date of the issue of the certificate:

(2.) Where moneys have been paid into the bank, at the date of the payment into bank:

(3.) Where the local authority appeals, at the date of the making of the final award.

26. Where a notice has been given under the Act of an appeal to a jury in respect of compensation for land, a question of disputed compensation required to be determined by a verdict of a jury shall be deemed to have risen within the meaning of the Lands Clauses Consolidation (Scotland) Act, 1845, and all the provisions of that Act contained in sections thirty-seven to fifty-five, both inclusive, so far as they are still in force, shall be deemed to apply, except section forty-six: Provided also, that in the construction of the said sections—

8 & 9 Vict. c. 19.

(1.) Where the local authority appeals, that authority shall be deemed to be the pursuer, and the party entitled to compensation to be the defender; and,

(2.) Where the party claiming compensation appeals, then in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained in jury trials before the Court of Session; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the

party appealing shall pay to the local authority the costs of the trial, to be taxed and ascertained in manner aforesaid: A.D. 1878

(3.) Where the local authority is the appellant—

(1.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum, not exceeding twenty pounds, for the costs of the trial as the sheriff or sheriff substitute before whom the same is tried shall direct; and,

(2.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid:

(4.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

Costs of Arbitration.

27. The salary or remuneration, travelling or other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the Secretary of State in carrying the provisions of this Act into execution, shall be paid by the local authority; and the amount of such costs, charges, and expenses shall from time to time be certified by the Secretary of State, after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the local authority; and every certificate of the said Secretary of State certifying the amount of such costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable in the same manner as the costs, charges, and expenses contained in any order of the Secretary of State made under section six of the Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875. 38 & 39 Vict. c. 49.

28. It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority; and if within seven days after demand the amount

A.D. 1878 so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from such local authority, with interest at the rate of five per centum for any time during which the same remains unpaid after such seven days as aforesaid; but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator.

Miscellaneous.

29. The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

30. If any arbitrator appointed in pursuance of this Act die, or refuse, decline, or become incapable to act, the Secretary of State may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed, and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the Edinburgh Gazette.

31. All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority, and where no form of service is prescribed, all notices required to be served or given by the local authority, under this schedule or otherwise, upon any persons interested in and entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of this Act are directed by this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

CHAPTER 9.

A.D. 1878

(Consolidated Fund, No. 2.)

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and seventy-seven, one thousand eight hundred and seventy-eight, and one thousand eight hundred and seventy-nine.—[28*th March* 1878.]

CHAPTER 10.

(Mutiny.)

An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters. —[16*th April* 1878.]

CHAPTER 11.

(Marine Mutiny.)

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.—[16*th April* 1878.]

CHAPTER 12.

(Threshing-Machines.)

An Act for the prevention of Accidents by Threshing-Machines.—[16*th April* 1878.]

This Act shall not extend to Scotland or Ireland.

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CHAPTER 13.

An Act to declare the law relating to the Acceptance of Bills of Exchange.—[16*th April* 1878.]

19 & 20 Vict. c. 97. 19 & 20 Vict. c. 60.

WHEREAS by the Mercantile Law Amendment Act, 1856, and the Mercantile Law Amendment Act (Scotland), 1856, it is enacted that "no acceptance of any bill "of exchange, whether inland or foreign, made after the 31st "day of December 1856, shall be sufficient to bind or charge "any person, unless the same be in writing on such bill, or if "there be more than one part of such bill on one of the said "parts, and signed by the acceptor or some person duly autho- "rised by him":

And whereas doubts have arisen as to the true effect and intention of the said enactment, and as to whether the signature of the drawee alone can constitute a sufficient acceptance of the bill so as to satisfy the requirements of the said Statute, and it is expedient that the meaning of the said enactment should be further declared:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Declaration of law.

1. An acceptance of a bill of exchange is not and shall not be deemed to be insufficient under the provisions of the said Statutes by reason only that such acceptance consists merely of the signature of the drawee written on such bill.

Saving.

2. Nothing in this Act shall affect the validity or invalidity of any verdict or judgment recovered or given before the passing of this Act.

Short title.

3. This Act may be cited for all purposes as the Bills of Exchange Act, 1878.

CHAPTER 14.

(Baths and Washhouses.)

An Act to amend the Law relating to Public Baths and Washhouses.—[27*th May* 1878.]

CUSTOMS AND INLAND REVENUE ACT, 1878.

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[41 VICT. CH. 15.]

ARRANGEMENT OF CLAUSES.

Clause.
1. Short title.

PART I.

Customs.

2. Import duties on tea.
3. Duties and drawback on tobacco. Permission to abandon snuff on deposit in Queen's warehouse and receipt of drawback instead of exportation.
4. Penalty on master for excessive deficiency of stores.
5. Export accounts for transhipments to British colonies.
6. Clearance of ships in ballast. Repeal of section 133 of 39 & 40 Vict. c. 36.
7. Repeal of so much of 34 & 35 Vict. c. 103. as relates to Customs.

PART II.

Taxes.

8. Grant of duties of income tax.
9. Provisions of Income Tax Acts to apply to duties hereby granted.
10. Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.
11. Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1878-79.
12. Provision as to deduction for depreciation of machinery or plant.
13. Amendment of the law as to inhabited house duties.
14. Amount fixed by the Treasury to be paid to clerks to Commissioners in lieu of allowances in certain cases.
15. Appeal from High Court of Justice in cases stated under 37 & 38 Vict. c. 16.
16. Serjeants Inn transferred to city of London for purposes of taxes.

PART III.

Excise.

DOG LICENSES.

17. Increase of duty imposed by 30 & 31 Vict. c. 5.
18. Repeal of 32 & 33 Vict. c. 14. s. 38.
19. Upon whom proof of age of dog shall lie.
20. Provision as to hound whelps.
21. Provision as to dogs used by blind persons.
22. Mode of obtaining exemption in the case of shepherds dogs.
23. Provision as to penalties.

Miscellaneous.

24. Warehousing of British compounded spirits of a strength exceeding eleven degrees over proof.
25. Restriction of use of alkaline salts in the manufacture of snuff.

PART IV.

Stamps.

26. Interpretation of 33 & 34 Vict. c. 97. as to contract note.
27. Repeal of duty on certain ecclesiastical licenses.

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CHAPTER 15.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. —[27*th May* 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Customs and Inland Revenue Act, 1878.

PART I.

Customs.

Import duties on tea.

2. The duties of Customs now chargeable upon tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and seventy-eight until the first day of August one thousand eight hundred and seventy-nine on the importation thereof into Great Britain or Ireland; (that is to say,)

Tea, the pound . . . Sixpence.

Duties and drawback on tobacco. 39 & 40 Vict. c. 35.

3. In lieu and instead of the duties and drawbacks payable or allowable on tobacco under the Customs Tariff Act, 1876, there shall be charged on and after the fifth day of April one thousand eight hundred and seventy-eight upon tobacco imported into Great Britain or Ireland the following duties; (that is to say,)

		£	s.	d.
Tobacco manufactured, viz.:				
Segars . . .	the lb.	0	5	4
Cavendish or negrohead .	the lb.	0	4	10
Snuff containing more than 13 lbs. of moisture in every 100 lbs. weight thereof . .	the lb.	0	4	1

Snuff not containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	the lb.	0	4	10
Being cavendish or negrohead manufactured in bond	the lb.	0	4	4
Other manufactured tobacco	the lb.	0	4	4
Tobacco unmanufactured, viz.:				
Containing 10 lbs. or more of moisture in every 100 lbs. weight thereof	the lb.	0	3	6
Containing less than 10 lbs. of moisture in every 100 lbs. weight thereof	the lb.	0	3	10

And there shall be allowed upon tobacco exported from Great Britain or Ireland on and after the fifth day of June one thousand eight hundred and seventy-eight, on the exportation thereof, or on the deposit thereof in a bonded warehouse to be used as ships stores, a drawback of three shillings and sevenpence for every pound weight thereof:

And notwithstanding the enactment by this Act of the duties and drawbacks hereby imposed and allowed instead of the duties and drawbacks imposed and allowed by the Manufactured Tobacco Act, 1863, and repeated in the Customs Tariff Act, 1876, all the enactments and provisions relating to tobacco which are contained in the said Acts and in any other Customs Acts now in force, shall, so far as the same are applicable, remain in force, except as to the amount of duties and drawbacks imposed and allowed by this Act, and the times at or from which the same are hereby made payable and allowable: Provided always, that any licensed manufacturer entitled under the Manufactured Tobacco Act, 1863, and this Act, to drawback on snuff on the exportation thereof under the provisions of the said Acts, may, if he see fit, on deposit thereof in the Queen's warehouse at such port or ports and under and subject to such regulations as the Commissioners of Customs may approve, and on receipt of the drawback allowed thereon, instead of exporting the same, abandon such snuff to the said Commissioners to be destroyed or otherwise disposed of by them.

26 & 27 Vict. c. 7. 39 & 40 Vict. c. 35.

Permission to abandon snuff on deposit in Queen's warehouse and receipt of drawback instead of exportation.

And all duties which shall have been charged and paid on the entry of tobacco for home consumption at the rates herein-before specified on and after the said fifth day of April one thousand eight hundred and seventy-eight and prior to the passing of this Act shall be deemed to have been properly charged and paid.

26 & 27 Vict. c. 7.

4. In the event of any ship having cleared for any foreign voyage from any port in the United Kingdom with stores on

Penalty on master for

A.D. 1878

excessive deficiency of stores.

board returning to that or any other port in the United Kingdom, if any deficiency in such stores be discovered, which in the opinion of the Commissioners of Customs shall be deemed to be in excess of the quantity which might fairly have been consumed, having regard to the length of time between such departure and return as aforesaid, whether such ship shall have been driven into port by stress of weather, want of repair, or other cause, the master shall forfeit, besides the duties on such excess at the rate chargeable on the importation of goods, the subject of such excess, a penalty not exceeding twenty pounds, which penalty and duty shall be recoverable by information and summons before a justice of the peace.

Transhipments to British Possessions. 39 & 40 Vict. c. 36.

5. So much of section one hundred and thirteen of the Customs Consolidation Act, 1876, as relates to transhipment goods shall be applicable only to transhipment goods cleared for any British possessions.

Clearance of ships in ballast.

6. If any ship shall depart in ballast from the United Kingdom for parts beyond the seas, not having any goods on board except stores borne upon the victualling bill, nor any goods reported inwards for exportation in such ship, the collector or other proper officer shall, on the application of the master, clear such ship in ballast; and the master of such ship shall answer to the collector or other proper officer such questions touching her departure and destination as shall be demanded of him; and ships having only passengers with their baggage on board, and ships laden only with chalk or slate, shall be deemed to be in ballast, and if any ship, whether laden or in ballast, shall depart without being duly cleared, the master shall forfeit one hundred pounds, and section one hundred and thirty-three of the Customs Consolidation Act, 1876, is hereby repealed.

Repeal of section 133 of 39 & 40 Vict. c. 36.

Repeal of so much of 34 & 35 Vict. c. 103, as relates to Customs.

7. So much of an Act passed in the thirty fourth and thirty-fifth years of the reign of Her Majesty, chapter one hundred and three, intituled "An Act to amend the law relating to the Customs and Inland Revenue," as relates to the Customs shall be and the same is hereby repealed.

Part II.

Taxes.

Grant of duties of income tax.

8. There shall be charged, collected, and paid for the year commencing on the sixth day of April one thousand eight hundred and seventy-eight, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of fivepence:

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act,—

In England, the duty of twopence halfpenny;

In Scotland and Ireland respectively, the duty of one penny three farthings.

Provisions of Income Tax Acts to apply to duties hereby granted.

9. All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and seventy-eight shall have full force and effect with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act; and for the purposes of this Act the year one thousand eight hundred and sixty-two mentioned in the forty-third section of the Act of the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy-eight.

Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

10. In order to ensure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and seventy-nine, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April one thousand eight hundred and seventy-nine shall have full force and effect with respect to the duties of income tax which may be so granted, in the same manner as if the said duties had been actually granted, and the said provisions had been applied thereto, by an Act of Parliament passed on that day; and the surveyors of taxes acting in the metropolis as defined by the Valuation (Metropolis) Act, 1869, shall be the assessors for the duties to be granted and payable under Schedules (A.) and (B.) of the said Act of the sixteenth and seventeenth years of the reign of Her Majesty, chapter thirty-four, upon any property in the said metropolis, and shall also be the assessors for the duties on inhabited houses in the said metropolis; and in lieu of the poundage granted by the several Acts in that behalf to be divided between the assessors and collectors for such duties respectively in the said metropolis, there shall be paid a poundage of three halfpence to the said collectors thereof.

32 & 33 Vict. c. 67.

Assessment of income tax

11. With respect to the assessment of the duties of income tax hereby granted under Schedules (A.) and (B.) in respect of property elsewhere than in the metropolis, as defined by the

A.D. 1878 — under Schedules (A.) and (B.) and of the inhabited house duties for the year 1878-79. 32 & 33 Vict. c. 67.

Valuation (Metropolis) Act, 1869, and of the duties on inhabited houses elsewhere than in the said metropolis, for the year commencing, as respects England, on the sixth day of April, and as respects Scotland, on the twenty-fifth day of May, one thousand eight hundred and seventy-eight, the following provisions shall have effect:

(1.) The inspectors or surveyors of taxes shall be the assessors for the said duties, and in lieu of the poundage by law granted to be divided between the assessors and collectors in regard to such duties there shall be paid a poundage of three halfpence to the collectors thereof:

(2.) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and seventy-seven, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year, as respects England, and as respects Scotland, for the year which commenced on the twenty-fifth day of May one thousand eight hundred and seventy-seven, shall be taken as the annual value of such property or of such inhabited house for the assessment and charge thereon of the duties of income tax hereby granted, or of the duties on inhabited houses, to all intents and purposes as if such sum had been estimated to be the annual value in conformity with the provisions in that behalf contained in the Acts relating to income tax and the duties on inhabited houses respectively:

(3.) The Commissioners executing the said Acts shall for each place within their district cause duplicates of the assessments to be made out and delivered to the collectors, together with the warrants for collecting the same:

(4.) The Commissioners executing the said Acts in England shall for each place within their district appoint such persons, being inhabitants of the place, as they shall think fit, to be collectors of the duties, in like manner as if such persons had been presented to them by assessors in conformity with the said Acts.

Provision as to deduction for depreciation of machinery or plant.

12. Notwithstanding any provision to the contrary contained in any Act relating to income tax, the Commissioners for general or special purposes shall, in assessing the profits or gains of any trade, manufacture, adventure, or concern in the nature of trade, chargeable under Schedule (D.), or the profits of any concern chargeable by reference to the rules of that schedule,

allow such deduction as they may think just and reasonable as representing the diminished value by reason of wear and tear during the year of any machinery or plant used for the purposes of the concern, and belonging to the person or company by whom the concern is carried on; and for the purpose of this provision, where machinery or plant is let to the person or company by whom the concern is carried on upon such terms that the person or company is bound to maintain the machinery or plant, and deliver over the same in good condition at the end of the term of the lease, such machinery or plant shall be deemed to belong to such person or company. A.D. 1878

And where any machinery or plant is let upon such terms that the burden of maintaining and restoring the same falls upon the lessor, he shall be entitled on claim made to the Commissioners for general or special purposes, in the manner prescribed by section sixty-one of the Act of the fifth and sixth years of Her Majesty's reign, chapter thirty-five, to have repaid to him such a portion of the sum which may have been assessed and charged in respect of the machinery or plant, and deducted by the lessee on payment of the rent, as shall represent the income tax upon such an amount as the said Commissioners may think just and reasonable, as representing the diminished value by reason of wear and tear of such machinery or plant during the year: Provided that no such claim shall be allowed unless it shall be made within twelve calendar months after the expiration of the year of assessment.

Amendment of the law as to inhabited house duties.

13. With respect to the duties on inhabited houses for the year commencing, as respects England, on the sixth day of April, and as respects Scotland, on the twenty-fifth day of May, one thousand eight hundred and seventy-eight, and for any subsequent year, the following provisions shall have effect:

(1.) Where any house, being one property, shall be divided into, and let in, different tenements, and any of such tenements are occupied solely for the purposes of any trade or business, or of any profession or calling by which the occupier seeks a livelihood or profit, or are unoccupied, the person chargeable as occupier of the house shall be at liberty to give notice in writing, at any time during the year of assessment, to the surveyor of taxes for the parish or place in which the house is situate, stating therein the facts; and after the receipt of such notice by the surveyor, the Commissioners acting in the execution of the Acts relating to the inhabited house duties shall, upon proof of the facts to their satisfaction, grant relief from the amount of duty charged in the assessment, so as to

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confine the same to the duty on the value according to which the house should, in their opinion, have been assessed, if it had been a house comprising only the tenements other than such as are occupied as aforesaid, or are unoccupied:

(2.) Every house or tenement which is occupied solely for the purposes of any trade or business, or of any profession or calling by which the occupier seeks a livelihood or profit, shall be exempted from the duties by the said Commissioners upon proof of the facts to their satisfaction, and this exemption shall take effect although a servant or other person may dwell in such house or tenement for the protection thereof:

(3.) Section eleven of the Act of the thirty-second and thirty-third years of Her Majesty's reign, chapter fourteen, shall be and is hereby repealed.

Amount fixed by the Treasury to be paid to clerks to Commissioners, in lieu of allowances, in certain cases.

14. Where the allowances to which any clerk to Commissioners of Income Tax is entitled by virtue of the Acts relating to income tax, and the Acts relating to the inhabited house duties, or those allowances, together with the allowance to which he is entitled by virtue of the Acts relating to land tax, if he be also clerk to the Commissioners of Land Tax, would exceed the sum of twelve hundred pounds, it shall be lawful for the Commissioners of Her Majesty's Treasury to substitute for those allowances such an amount, not being less than the sum of twelve hundred pounds, exclusive of necessary office expenses, as to them shall seem fit: and the clerk shall be entitled to claim and receive in respect of such allowances such sum only as shall be specified in a certificate of the Commissioners of Inland Revenue.

Appeal from High Court of Justice in cases stated under 37 & 38 Vict. c. 16.

15. After the passing of this Act an appeal shall lie from the decision of the Exchequer Division of the High Court of Justice, or of any judge thereof, upon any case stated under the provisions in that behalf contained in the Customs and Inland Revenue Act, 1874, to Her Majesty's Court of Appeal, and from thence to the House of Lords, and from the decision of the Court of Session, as the Court of Exchequer in Scotland, upon any case so stated, to the House of Lords.

Serjeants Inn transferred to city of London for purposes of taxes.

16. Whereas by section two of the Act of the thirty-eighth year of the reign of King George the Third, chapter five, the place called Serjeants Inn in Chancery Lane is charged with a separate and distinct quota of land tax, and the amount of such quota has been raised annually by members of that Inn acting as Commissioners of Land Tax, who have also acted as Commissioners for the purposes of the duties on inhabited houses and the duties of income tax under the provisions of the Acts

relating to these duties respectively; and whereas the said place has been sold by the members of the Inn, and it is necessary to authorise the execution of the said Acts by the Commissioners acting for the city of London, in which the said place is locally situate: Be it enacted, that from and after the passing of this Act the said place shall, in all matters connected with the assessment and collection of the land tax and the said duties respectively, be under and subject to the jurisdiction of the Commissioners for putting in execution the Acts relating to the land tax and to the said duties respectively for the city of London: Provided always, that the amount of the quota of land tax at present charged upon the said place shall continue to be assessed and collected subject to redemption under the provisions of the Acts passed in that behalf. A.D. 1878

Part III.

Excise.

Dog Licenses.

17. On and after the first day of June one thousand eight hundred and seventy-eight, in lieu of the annual duty of five shillings chargeable under the Act of the thirtieth and thirty-first years of Her Majesty's reign, chapter five, in respect of every dog, there shall be granted and charged the annual duty of seven shillings and sixpence, and the said Act shall be read as if the amount of annual duty thereby granted and charged was seven shillings and sixpence: Provided that licenses taken out under the said Act prior to the said first day of June shall remain in full force and effect as if this Act had not been passed. Increase of duty imposed by 30 & 31 Vict. c. 5.

18 Section thirty-eight of the Act of the thirty-second and thirty-third years of Her Majesty's reign, chapter fourteen, shall be and is hereby repealed. Repeal of 32 & 33 Vict. c. 14. s. 38.

19. Upon the hearing of any information for a penalty for keeping a dog without a license, the proof of the age of the dog shall lie upon the defendant. Upon whom proof of age of dog shall lie.

20. Where an owner or a master of hounds has taken out proper licenses for all the hounds entered in any pack kept by him, it shall not be necessary for him to take out a license in respect of any hound under the age of twelve months which has never been entered in, or used with, any pack of hounds. Provision as to hound whelps.

21. Nothing in the said Act of the thirtieth and thirty-first years of Her Majesty's reign, chapter five, or in this part of this Act, shall render a license necessary in the case of a dog kept and used solely by a blind person for his or her guidance, Provision as to dogs used by blind persons.

A.D. 1878 or render such person liable to any penalty in respect of a dog so kept and used.

Mode of obtaining exemption in the case of shepherds dogs.

22. In the case of dogs kept and used solely for the purpose of tending sheep or cattle on a farm, or in the exercise of the calling or occupation of a shepherd, exemption from duty may be obtained by the owners of such dogs in the following manner:

(1.) The Commissioners of Inland Revenue shall cause such forms of declaration to be prepared as may be required for carrying out the purposes of this section:

(2.) The owner, whether a farmer or a shepherd, may fill up and sign a declaration in the prescribed form, wherein shall be stated the number of dogs kept by him solely for use in tending sheep or cattle, or in the exercise of the calling or occupation of a shepherd, and such further particulars as the said Commissioners may by the form of declaration require to be therein stated, and upon delivering the declaration so filled up and signed by him to the person named therein as the person to whom the same is to be delivered, he shall be entitled to receive a certificate of exemption from duty in respect of the dog or dogs, not exceeding two in number, kept by him solely for use in tending sheep or cattle, or in the exercise of the calling or occupation of a shepherd, and such certificate shall be dated on the day on which the same shall be issued, and shall terminate on the thirty-first day of December following:

(3.) Where the occupier of a sheep farm owns more than four hundred sheep, which feed on common or unenclosed land, so that more than two dogs are required to be kept by him for the purpose of tending sheep, and such facts are stated in the declaration delivered by him, he shall be entitled to receive a certificate of exemption in respect of a third dog kept by him solely for such purpose, and if the number of his sheep amounts to one thousand, then in respect of a fourth dog so kept, and in respect of an additional dog so kept for every full number of five hundred sheep so owned by him over and above the number of one thousand: Provided that he shall not be exempted in respect of more than eight dogs kept on the farm:

(4.) Any person who shall deliver a declaration, wherein the particulars required to be therein set forth shall not be truly stated, shall forfeit the sum of twenty

pounds; and any person to whom a certificate of exemption may have been issued, who shall not produce and deliver such certificate to be examined and read by any officer of Inland Revenue or Police, within a reasonable time after such officer shall request the production of the same, shall forfeit the sum of five pounds; and such penalties shall be Excise penalties.

Provision as to penalties.

23. Notwithstanding the provisions in the Excise Acts relating to the recovery and application of Excise penalties, any penalty imposed by the said Act of the thirtieth and thirty-first years of Her Majesty's reign, chapter five, or this part of this Act, may be either sued for and applied in the manner prescribed by such provisions, or recovered and enforced upon information of a police constable before a court of summary jurisdiction, subject in the latter case to the following provisions:

(1.) The court of summary jurisdiction shall have power to award costs, and to mitigate the penalty to such an amount as the court may in its discretion think fit:

(2.) The penalty, when recovered, shall, notwithstanding anything in the Acts relating to the metropolitan police courts, or any other Act, as to one half be paid to the Commissioners of Inland Revenue, and applied in the manner in which Excise penalties are by law applicable, and as to the other half be paid and applied in England and Wales for the benefit of the superannuation fund of the police force to which the police constable who instituted the prosecution belonged, and in Scotland to the treasurer of the police assessment of the county or burgh to the police force of which such police constable belonged.

Miscellaneous.

Warehousing of British compounded spirits of a strength exceeding eleven degrees over proof.

24. Subject to any regulations which may be from time to time made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively, British compounded spirits of a strength exceeding eleven degrees over hydrometer proof may be warehoused for exportation or for ships stores by a rectifier or compounder in any Customs or Excise warehouse under the provisions of the Act of the twenty-eighth and twenty-ninth years of Her Majesty's reign, chapter ninety-eight.

When such spirits have been so warehoused they shall not be delivered out otherwise than for exportation or for ships stores directly from the warehouse on board the vessel in which the same are to be exported or used as stores.

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Restriction of use of alkaline salts in the manufacture of snuff.

25. Whereas it is expedient to prohibit the use of certain salts in the manufacture of snuff, and to limit the amount of certain other salts which may be used in such manufacture: Be it enacted, that from and after the first day of October one thousand eight hundred and seventy-eight, the first, third, and fourth sections of the Act of the fifth and sixth years of Her Majesty's reign, chapter ninety-three, shall, as respects the term "salt" and the term "alkaline salts," be construed to mean and include only the carbonates, chlorides, and sulphates of potassium and sodium, and the carbonate of ammonium.

If, after the said first day of October, any person, being a manufacturer of, dealer in, or retailer of tobacco or snuff, shall have in his custody or possession, or shall sell, or offer for sale, any snuff which, after having been dried at a temperature of two hundred and twelve degrees as denoted by Fahrenheit's thermometer, shall be found to contain a percentage of more than twenty-six per centum of the carbonates, chlorides, and sulphates of potassium, sodium, and ammonium, he shall forfeit fifty pounds and also the said snuff; and in calculating the said percentage the salts of potassium, sodium, and ammonium of every description naturally present in the tobacco shall be included.

Part IV.

Stamps.

Interpretation of 33 & 34 Vict. c. 97. as to contract note.

26. Whereas doubts have arisen as to the application of the charge of stamp duty under the title "Contract Note" in the schedule to the Stamp Act, 1870, and there is a variance of practice upon Stock Exchanges in the United Kingdom as to instruments bearing the stamp duty, and it is expedient to define more precisely the instrument which is to be deemed chargeable under the said title: Be it enacted, that the term "Contract Note," wherever used in the Stamp Act, 1870, shall for the purposes of that Act mean exclusively an advice note sent by a broker or agent to his principal, and shall not include any memorandum or contract between brokers or agents for or in relation to the sale or purchase of any stock or marketable security, and no such memorandum or contract shall be chargeable with any stamp duty.

Repeal of duty on certain ecclesiastical licenses.

27. After the passing of this Act a license by any ecclesiastical authority in any part of the United Kingdom for licensing or authorising any matter relating to a consecrated building or ground, or anything to be constructed, set up, taken down, or altered therein, or to be removed therefrom, shall be exempt from stamp duty

FACTORY AND WORKSHOP ACT, 1878.

A.D. 1878

[41 Vict. Ch. 16.]

ARRANGEMENT OF SECTIONS.

Section.

Preliminary.

1. Short title.
2. Commencement of Act.

PART I.

General Law relating to Factories and Workshops.

(1.) *Sanitary Provisions.*

3. Sanitary condition of factory and workshop.
4. Notice by inspector to sanitary authority of sanitary defects in factory or workshop.

(2.) *Safety.*

5. Fencing of certain machinery.
6. Fencing of other dangerous machinery of which notice is given by inspector.
7. Fencing of dangerous vats or structures of which notice is given by inspector.
8. Fixing of grindstones securely and replacing of faulty grindstone when notice is given by inspector.
9. Restriction on cleaning of machinery while in motion, or working between parts of self-acting machinery.

(3.) *Employment and Meal Hours.*

10. Period of employment of children, young persons, and women.
11. Period of employment, &c. for young persons and women in a textile factory.
12. Period of employment for children in textile factory.
13. Period of employment, &c. for young persons and women in non-textile factory, and for young persons in workshop.
14. Period of employment for children in non-textile factory and workshop.
15. Period of employment, time for meals, and length of continuous employment for women in workshop.
16. Period of employment and time for meals for children and young persons in domestic workshop.
17. Meal times to be simultaneous, and employment during meal times forbidden.
18. Regulations as to period of employment on Saturday of young persons or women employed only eight hours a day.
19. Notice fixing period of employment, hours of meals, and mode of employment of children.
20. Prohibition of employment of children under ten.
21. Prohibition of employment of children, young persons, and women on Sunday.

(4.) *Holidays.*

22. Days to be observed as holidays, and half holidays to be allowed in factories and workshops.

(5.) *Education of Children.*

23. Attendance at school of children employed in a factory or workshop.
24. Obtaining of school attendance certificate by occupier of factory or workshop.
25. Payment by occupier on application of sum for schooling of child, and deduction of it from wages.
26. Employment as young person of child of 13 on obtaining an educational certificate.

(6.) *Certificates of Fitness for Employment.*

27. Certificate of fitness for employment of children and young persons under 16 in factories.
28. Certificate of fitness for employment of children and young persons under 16 in workshops.

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Section.
29. Power of inspector to require surgical certificate of capacity of child or young person under 16 for work.
30. Supplemental provisions as to certificates of fitness for employment.

(7.) *Accidents.*

31. Notice of accidents causing death or bodily injury.
32. Investigation of and report on accidents by certifying surgeon.

PART II.

Special Provisions relating to Particular Classes of Factories and Workshops.

(1.) *Special Provisions for Health in certain Factories and Workshops.*

33. Limewashing and washing of the interior of factories and workshops.
34. Limewashing, painting, and washing of the interior of bakehouses.
35. Provision as to sleeping places near bakehouses.
36. Provision as to ventilation by fan in factories and workshops.
37. Protection of workers in wet-spinning.

(2.) *Special Restrictions as to Employment, Meals, and Certificates of Fitness.*

38. Prohibition of employment of children and young persons in certain factories or workshops.
39. Prohibition of taking meals in certain parts of factories and workshops.
40. In print works and bleaching and dyeing works, period of employment and times allowed for meals.
41. Power to require certificates of fitness for employment of children and young persons under 16 in certain workshops.

(3.) *Special Exceptions relaxing General Law in certain Factories and Workshops.*

(a.) *Period of Employment.*

42. Period of employment between 8 a.m. and 8 p.m. in certain cases.
43. Power to Secretary of State to allow period of employment between 9 a.m. and 9 p.m. in certain cases.
44. Power of working male young persons above 16 in lace factories.
45. Power of working male young persons above 16 in bakehouses.
46. Substitution by Secretary of State of another half holiday for Saturday.
47. Employment in Turkey red dyeing on Saturday up to 4.30 p.m.
48. Continuous employment of children, young persons, and women in certain cases.
49. Giving half holidays and holidays on different days to different sets of children, young persons, and women.
50. Employment of young persons and women by Jewish occupiers of factories or workshops.
51. Employment of Jews by Jews on Sunday.

(b.) *Meal Hours.*

52. Exception as to meal times being simultaneous, and as to employment or remaining in room where manufacturing process is carried on during meal times.

(c.) *Overtime.*

53. Power to employ young persons and women for 14 hours a day.
54. Power to employ for half an hour after end of work where process is in an incomplete state.
55. Employment of young persons, &c. in Turkey red dyeing and open-air bleaching.
56. Employment of women for 14 hours a day to preserve perishable articles.
57. Exception for factories driven by water power.

(d.) *Nightwork.*

58. Employment of male young persons at night.
59. Employment in certain letter-press printing works of male young persons of 16 at night.
60. Employment of male young persons in glass works.

Section.

(4.) *Special Exception for Domestic and certain other Factories and Workshops.*

61. Exception of domestic factories and workshops and certain other workshops from certain provisions of the Act.
62. Exception for certain descriptions of flax scutch mills from certain provisions of Act.

(5.) *Supplemental as to Special Provisions.*

63. Requirement of sanitary provisions as condition of special exceptions.
64. Power to rescind order granting or extending exception.
65. Provisions as to order of Secretary of State.
66. Provisions as to occupier availing himself of special exceptions, and registry of work under them.

PART III.

ADMINISTRATION, PENALTIES, AND LEGAL PROCEEDINGS.

(1.) *Inspection.*

67. Appointment, payment, &c. of inspectors of factories, and clerks and servants.
68. Powers of inspectors.
69. Restriction on entry of inspector into dwellings.
70. Certificates of appointment of inspectors.

(2.) *Certifying Surgeons.*

71. Poor Law medical officers to act where no certifying surgeon within three miles.
72. Appointment of certifying surgeons.
73. Regulations as to the grant of certificates of fitness.
74. Fees of certifying surgeons for examination of children and young persons.

(3.) *Miscellaneous.*

75. Notice of factory to be given to inspector.
76. Regulation of hours by public clock.
77. Registers to be kept in a factory or workshop.
78. Affixing in factory or workshop of abstract of Act and notices.
79. Printing or writing and service of notices and documents, &c.
80. Inspection of weights and measures used in factories and workshops.

(4.) *Fines.*

81. Fine for not keeping factory or workshop in conformity with Act.
82. Penal compensation to person injured by want of fence to machinery, &c.
83. Fine for employing children, young persons, and women contrary to the Act.
84. Fine on parent for allowing child or young person to be employed contrary to the Act, or neglecting to cause child to attend school.
85. Forgery of certificates, false entries and declarations.
86. Fine on person committing offence for which occupier is liable.
87. Power of occupier to exempt himself from fine on conviction of the actual offender.
88. Restraint on cumulative fines.

(5.) *Legal Proceedings.*

89. Prosecution of offences and recovery and application of fines.
90. Appeal to quarter sessions.
91. Limitation of time and general provisions as to summary proceedings.
92. Evidence in summary proceedings.

PART IV.

DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND AND IRELAND, AND REPEAL.

(1.) *Definitions.*

93. Factories and workshops to which Act applies.
94. Definition of employment and working for hire.
95. Definition of "certified efficient school;" "recognised efficient school."

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Section.
96. General Definitions. "Child." "Young person." "Woman." "Parent." "Treasury." "Secretary of State." "Education Department." "Sanitary authority." "Person." "Week." "Night." "Prescribed." "Summary Jurisdiction Acts." "Court of summary jurisdiction." "Mill-gearing."

Special exemption of certain Trades.

97. Exemption of handicrafts in Fifth Schedule in private houses.
98. Exemption of certain home-work.

(2.) *Savings.*

99. Saving as to liability of hirer of machine where not occupier.
100. Saving for person employed in repair of machinery or of factory or workshop, or in process of curing fish.
101. Application to factories and workshops of 38 & 39 Vict. c. 55.
102. Construction of enactments, &c. referring to repealed Acts.

(3.) *Application of Act to Scotland and Ireland.*

103. Temporary saving for employment of children under 10 and children over 13 in Scotland and Ireland.
104. Certificates of birth for purposes of Act.
105. Application of Act to Scotland.
106. Application of Act to Ireland.

(4.) *Repeal.*

107. Repeal of Acts.

SCHEDULES.

FIRST SCHEDULE.

SPECIAL PROVISIONS FOR HEALTH.

Factories and Workshops in which the Employment of Young Persons and Children is restricted.

1. Restriction of employment of young persons and children;
2. Of children, &c. in glass works;
3. Of girls under 16 in certain employments;
4. Of children in metal grinding and lucifer-match dipping;
5. Of child under 11 in dry grinding, &c.

SECOND SCHEDULE.

SPECIAL RESTRICTIONS.

Places forbidden for Meals.

As to parts of factories or workships in which children, young persons, and women are forbidden to take meals.

THIRD SCHEDULE.

SPECIAL EXCEPTIONS.

PART ONE.

Period of Employment.

Employment of children, young persons, and women between 8 a.m. and 8 p.m. in certain trades.

PART TWO.

Meal Hours.

Cases in which provisions as to meal times are not to apply.

PART THREE.

Overtime.

Factories and workshops in which young persons and women may be allowed to work for 14 hours a day under certain restrictions.

PART FOUR.

Additional Half Hour.

Factories in which a child, young person, or woman may be employed for an additional half hour.

PART FIVE.

Overtime for Perishable Articles.

Factories and workshops in which women may be employed for 14 hours a day.

PART SIX.

Night Work.

Factories in which male young persons may be employed at night.

PART SEVEN.

Spell.

Continuous employment of children, young persons, and women for five hours in certain textile factories during the winter months.

FOURTH SCHEDULE.

LIST OF FACTORIES AND WORKSHOPS.

PART ONE.

Non-Textile Factories.

"Print works." "Bleaching and dyeing works." "Earthenware works." "Lucifer-match works." "Percussion-cap works." "Cartridge works." "Paper-staining works." "Fustian-cutting works." "Blast furnaces." "Copper mills." "Iron mills." "Foundries." "Metal and india-rubber works." "Paper mills." "Glass works." "Tobacco factories." "Letter-press printing works." "Bookbinding works." "Flax scutch mills."

PART TWO.

Non-Textile Factories and Workshops.

"Hat works." "Rope works." "Bakehouses." "Lace warehouses." "Shipbuilding yards." "Quarries." "Pit-banks."

FIFTH SCHEDULE.

SPECIAL EXEMPTIONS.

Straw plaiting. Pillow-lace making. Glove making.

SIXTH SCHEDULE.

Acts repealed.

CHAPTER 16.

An Act to consolidate and amend the Law relating to Factories and Workshops.—[27*th May* 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Factory and Workshop Act, 1878. Short title.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act: Provided that at any time after the passing of this Act, any appointment, regulation, or order may be made, any notice issued, form prescribed, and act done which appears to a Secre- Commencement of Act.

A.D. 1878 tary of State necessary or proper to be made, issued, prescribed, —— or done for the purpose of bringing this Act into operation at the commencement thereof.

PART I.

General Law relating to Factories and Workshops.

(1.) *Sanitary Provisions.*

Sanitary condition of factory and workshop.

3. A factory and a workshop shall be kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance.

A factory or workshop shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein, and shall be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Notice by inspector to sanitary authority of sanitary defects in factory or workshop.

4. Where it appears to an inspector under this Act that any act, neglect, or default in relation to any drain, watercloset, earthcloset, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of such act, neglect, or default to the sanitary authority in whose district the factory or workshop is situate, and it shall be the duty of the sanitary authority to make such inquiry into the subject of the notice, and take such action thereon, as to that authority may seem proper for the purpose of enforcing the law.

An inspector under this Act may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the sanitary authority.

(2.) *Safety.*

Fencing of certain machinery.

5. With respect to the fencing of machinery in a factory the following provisions shall have effect:

(1.) Every hoist or teagle near to which any person is liable to pass or to be employed, and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine house or not, and every part of a steam engine and water wheel, shall be securely fenced; and

(2.) Every wheel-race not otherwise secured shall be securely fenced close to the edge of the wheel-race; and A.D. 1878

(3.) Every part of the mill gearing shall either be securely fenced or be in such position or of such construction as to be equally safe to every person employed in the factory as it would be if it were securely fenced; and

(4.) All fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion or use for the purpose of any manufacturing process.

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Fencing of other dangerous machinery, of which notice is given by inspector.

6. Where an inspector considers that in a factory any part of the machinery of any kind moved by steam, water, or other mechanical power, to which the foregoing provisions of this Act with respect to the fencing of machinery do not apply, is not securely fenced, and is so dangerous as to be likely to cause bodily injury to any person employed in the factory, the following provisions shall apply to the fencing of such machinery:

(1.) The inspector shall serve on the occupier of the factory a notice requiring him to fence the part of the machinery which the inspector so deems to be dangerous:

(2.) The occupier, within seven days after the receipt of the notice, may serve on the inspector a requisition to refer the matter to arbitration; and thereupon the matter shall be referred to arbitration, and two skilled arbitrators shall be appointed, the one by the inspector and the other by the occupier; and the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall, subject to the express provisions of this section, apply to the said arbitration, and the arbitrators or their umpire shall give the decision within twenty-one days after the last of the arbitrators, or, in the case of the umpire, after the umpire is appointed, or within such further time as the occupier and inspector, by writing, allow; and if the decision is not so given the matter shall be referred to the arbitration of an umpire to be appointed by the judge of the county court within the jurisdiction of which the factory is situate: 8 & 9 Vict. c. 16.

(3.) If the arbitrators or their umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the notice shall be cancelled, and the occupier shall not be required to fence

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in pursuance thereof, and the expenses of the arbitration shall be paid as the expenses of the inspectors under this Act:

(4.) If the occupier does not, within the said seven days, serve on the inspector a requisition to refer the matter to arbitration or does not appoint an arbitrator within seven days after he served that requisition, or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the occupier shall securely fence the said machinery in accordance with the notice, or with the award of the arbitrators or umpire if it modifies the notice, and the expenses of the arbitration shall be paid by the occupier, and shall be recoverable from him by the inspector in the county court:

(5.) Where the occupier of a factory fails to comply within a reasonable time with the requirements of this section as to securely fencing the said machinery in accordance with the notice or award, or fails to keep the said machinery securely fenced in accordance therewith, or fails constantly to maintain such fencing in an efficient state while the machinery required to be fenced is in motion for the purpose of any manufacturing process, the factory shall be deemed not to be kept in conformity with this Act:

(6.) For the purpose of this section and of any provisions of this Act relating thereto, "machinery" shall be deemed to include any driving strap or band.

Fencing of dangerous vats or structures of which notice is given by inspector.

7. Where an inspector considers that in a factory or workshop a vat, pan, or other structure, which is used in the process or handicraft carried on in such factory or workshop, and near to or over which children or young persons are liable to pass or to be employed, is so dangerous, by reason of its being filled with hot liquid or molten metal or otherwise, as to be likely to be a cause of bodily injury to any child or young person employed in the factory or workshop, he shall serve on the occupier of the factory or workshop a notice requiring him to fence such vat, pan, or other structure.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section, with the substitution of the vat, pan, or other structure, for machinery, and with the addition of workshop, and if the occupier of a factory or workshop fails constantly to maintain the fencing required under

this section in an efficient state, while such vat, pan, or other structure is so filled or otherwise dangerous as aforesaid, the factory or workshop shall be deemed not to be kept in conformity with this Act.

Fixing of grindstones securely and replacing of faulty grindstone when notice is given by inspector.

8. Where an inspector observes in a factory that any grindstone, worked by steam, water, or other mechanical power is in itself so faulty, or is fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using the same, he shall serve on the occupier of the factory a notice requiring him to replace such faulty grindstone, or to properly fix the grindstone fixed in the faulty manner.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section with the necessary modifications.

Where the occupier of a factory fails to keep the grindstone mentioned in the notice or award in such a state and fixed in such manner as not to be dangerous, the factory shall be deemed not to be kept in conformity with this Act.

Restriction on cleaning of machinery while in motion or working between parts of self-acting machinery.

9. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power.

A young person or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing while the same is in motion for the purpose of propelling any part of the manufacturing machinery.

A child, young person, or woman shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power.

A child, young person, or woman allowed to clean or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

(3.) *Employment and Meal Hours.*

Period of employment of children, young persons, and women.

10. A child, young person, or woman shall not be employed in a factory or a workshop except during the period of employment herein-after mentioned.

11. With respect to the employment of young persons and women in a textile factory the following regulations shall be observed:

Period of employment, &c. for young

(1.) The period of employment, except on Saturday, shall either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock

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in the morning and end at seven o'clock in the evening; and

persons and women in a textile factory.

(2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning; and

(3.) Where the period of employment on Saturday begins at six o'clock in the morning, that period—

(*a.*) If not less than one hour is allowed for meals, shall end at one o'clock in the afternoon as regards employment in any manufacturing process, and at half-past one o'clock in the afternoon as regards employment for any purpose whatever; and

(*b.*) If less than one hour is allowed for meals, shall end at half an hour after noon as regards employment in any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever; and

(4.) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past one o'clock in the afternoon as regards any manufacturing process, and at two o'clock in the afternoon as regards employment for any purpose whatever; and

(5.) There shall be allowed for meals during the said period of employment in the factory—

(*a.*) on every day except Saturday not less than two hours, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and

(*b.*) on Saturday not less than half an hour; and

(6.) A young person or woman shall not be employed continuously for more than four hours and a half, without an interval of at least half-an-hour for a meal.

Period of employment for children in textile factory.

12. With respect to the employment of children in a textile factory the following regulations shall be observed—

(1.) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only; and

(2.) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person, and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time; and

(3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin at one o'clock in the afternoon, or at any later hour at which the dinner time terminates, and end at the same hour as if the child were a young person; and A.D. 1878

(4.) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person; and

(5.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same week his period of employment has exceeded five hours and a half; and

(6.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks; and

(7.) A child shall not on either system be employed continuously for any longer period than he could be if he were a young person without an interval of at least half-an-hour for a meal.

Period of employment, &c. for young persons and women in non-textile factory, and for young persons in workshop.

13. With respect to the employment of young persons and women in a non-textile factory, and of young persons in a workshop, the following regulations shall be observed:

(1.) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and

(2.) The period of employment on Saturday shall (save as is in this Act specially excepted) begin at six o'clock in the morning or at seven o'clock in the morning, and end at two o'clock in the afternoon; and

(3.) There shall be allowed for meals during the said period of employment in the factory or workshop—

(*a.*) on every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and

(*b.*) on Saturday not less than half-an-hour; and

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(4.) A young person or a woman in a non-textile factory and a young person in a workshop shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

Period of employment for children in non-textile factory and workshop.

14. With respect to the employment of children in a non-textile factory and a workshop the following regulations shall be observed :

(1.) Children shall not be employed except either on the system of employment in morning and afternoon sets, or (in a factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only ; and

(2.) The period of employment for a child in a morning set on every day, including Saturday, shall begin at six or seven o'clock in the morning and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time ; and

(3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin at one o'clock in the afternoon, or at any hour later than half-past twelve o'clock at which the dinner time terminates, and end on Saturday at two o'clock in the afternoon, and on any other day at six or seven o'clock in the evening, according as the period of employment for children in the morning set began at six or seven o'clock in the morning ; and

(4.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on Saturday in any week in the same set in which he has been employed on any other day of the same week ; and

(5.) When a child is employed on the alternate day system—

(*a.*) The period of employment for such child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening ; and

(*b.*) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning, and end at two o'clock in the afternoon ; and

(*c.*) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours, and on Saturday than half an hour; but

(*d.*) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks; and

(6.) A child shall not on either system be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

Period of employment, time for meals, and length of continuous employment for women in workshop.

15. With respect to the employment of women in workshops, the following regulations shall be observed:

(1.) In a workshop which is conducted on the system of employing therein children and young persons, or either of them, a woman shall not be employed except during the same period and subject to the same restrictions as if she were a young person; and the regulations of this Act with respect to the employment of young persons in a workshop shall apply accordingly to the employment of women in that workshop; and

(2.) In a workshop which is conducted on the system of not employing therein either children or young persons—

(*a.*) The period of employment for a woman shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon; and

(*b.*) There shall be allowed to a woman for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half.

A workshop shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct his workshop on that system.

Period of employment and time for meals for children and young

16. Where persons are employed at home, that is to say, in a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only per-

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Persons in domestic workshop.

sons employed are members of the same family dwelling there, the foregoing regulations of this Act with respect to the employment of children, young persons, and women shall not apply to such factory or workshop, and in lieu thereof the following regulations shall be observed therein:

(1.) A child or young person shall not be employed in the factory or workshop except during the period of employment herein-after mentioned; and

(2.) The period of employment for a young person shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon; and

(3.) There shall be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half; and

(4.) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening or on Saturday at four o'clock in the afternoon; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set; and

(5.) A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days, and a child shall not be employed on Saturday in any week before the hour of one in the afternoon, if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour; and

(6.) A child shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.

Meal times to be simultaneous, and employment during meal times forbidden.

17. With respect to meals, the following regulations shall (save as is in this Act specially excepted) be observed in a factory and workshop:

(1.) All children, young persons, and women employed therein shall have the times allowed for meals at the same hour of the day; and

(2.) A child, young person, or woman shall not during any

part of the times allowed for meals in the factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.

Regulations as to employment on Saturday of young persons or women employed only eight hours a day.

18. The period of employment on Saturday for a young person or woman in a non-textile factory or workshop may be of the same length as on any other day if the period of employment of such young person or woman has not exceeded eight hours on any day of the same week, and if notice has been affixed in the factory or workshop and served on the inspector.

Notice fixing period of employment, hours of meals, and mode of employment of children.

19. The occupier of a factory or workshop may from time to time fix within the limits allowed by this Act, and shall (save as is in this Act specially excepted) specify in a notice affixed in the factory or workshop, the period of employment, the times allowed for meals, and whether the children are employed on the system of morning and afternoon sets or of alternate days.

The period of employment and the times allowed for meals in the factory or workshop shall be deemed to be the period and times specified in the notice affixed in the factory or workshop; and all the children in the factory or workshop shall be employed either on the system of morning and afternoon sets or on the system of alternate days according to the system for the time being specified in such notice:

Provided that a change in such period or times or system of employment shall not be made until after the occupier has served on an inspector and affixed in the factory or workshop notice of his intention to make such change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Prohibition of employment of children under ten.

20. A child under the age of ten years shall not be employed in a factory or a workshop.

Prohibition of employment of children, young persons, and women on Sunday.

21. A child, young person, or woman shall not (save as is in this Act specially excepted) be employed on Sunday in a factory or workshop.

(4.) *Holidays.*

Days to be observed as holidays, and half holidays to be allowed in factories and workshops.

22. The occupier of a factory or of a workshop shall (save as is in this Act specially excepted) allow to every child, young person, and woman employed therein the following holidays; that is to say,

(1.) The whole of Christmas Day, and the whole either of Good Friday or, if it is so specified by the occupier in the notice affixed in the factory or workshop, of the next public holiday under the Holidays Extension Act, 1875; and in addition

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38 & 39 Vict. c. 13.

(2.) Eight half holidays in every year, but a whole holiday may be allowed in lieu of any two such half holidays; and

(3.) At least half of the said half holidays or whole holidays shall be allowed between the fifteenth day of March and the first day of October in every year; and

(4.) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop for at least the whole period of employment of young persons and women on the last previous work day but one; and

(5.) A half holiday shall comprise at least one half of the period of employment for young persons and women on some day other than Saturday.

A child, young person, or woman who—

(*a.*) on a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop, or

(*b.*) on a half holiday fixed in pursuance of this section for a factory or workshop is employed in the factory or workshop during the portion of the period of employment assigned for such half holiday,

shall be deemed to be employed contrary to the provisions of this Act.

If in a factory or workshop such whole holidays or half holidays as required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(5.) *Education of Children.*

Attendance at school of children employed in a factory or workshop.

23. The parent of a child employed in a factory or in a workshop shall cause that child to attend some recognised efficient school (which school may be selected by such parent), as follows:

(1.) The child, when employed in a morning or afternoon set, shall in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance; and

(2.) The child, when employed on the alternate day system, shall on each work day preceding each day of employment in the factory or workshop be caused to attend for at least two attendances:

(3.) An attendance for the purposes of this section shall be an attendance as defined for the time being by a Secretary of State with the consent of the Education

Department, and be between the hours of eight in the morning and six in the evening: A.D. 1878

Provided that—

(*a.*) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed; and

(*b.*) The non-attendance of the child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, also when the school is closed during the ordinary holidays or for any other temporary cause; and

(*c.*) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child a recognised efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector under this Act, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Education Department every case of the approval of a school by him under this section.

A child who has not in any week attended school for all the attendances required by this section shall not be employed in the following week until he has attended school for the deficient number of attendances.

The Education Department shall from time to time, by the publication of lists or by notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

Obtaining of school attendance certificate by occupier of factory or workshop.

24. The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which such child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by the child, a certificate (according to the prescribed form and directions) respecting the attendance of such child at school in accordance with this Act.

The employment of a child without obtaining such certificate as is required by this section shall be deemed to be employment of a child contrary to the provisions of this Act.

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The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or his workshop, and shall produce the same to an inspector when required during that period.

Payment by occupier on application of sum for schooling of child, and deduction of it from wages.

25. The board authority or persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person authorised by such board authority or person, may apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, the said weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

Employment as young person of child of 13 on obtaining an educational certificate.

26. When a child of the age of thirteen years has obtained from a person authorised by the Education Department a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school, as herein-after mentioned, that child shall be deemed to be a young person for the purposes of this Act.

The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by a Secretary of State, with the consent of the Education Department, and the standards so fixed shall be published in the London Gazette, and shall not have effect until the expiration of at least six months after such publication.

Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

(6.) *Certificates of Fitness for Employment.*

Certificate of fitness for employment of children and young persons under 16 in factories.

27. In a factory a child or a young person under the age of sixteen years shall not be employed for more than seven, or if the certifying surgeon for the district resides more than three miles from the factory thirteen, work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of such child or young person for employment in that factory.

A certificate of fitness for employment for the purposes of this Act shall be granted by the certifying surgeon for the district, and shall be to the effect that he is satisfied, by the pro-

duction of a certificate of birth or other sufficient evidence, that the person named in the certificate of fitness is of the age therein specified, and has been personally examined by him, and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate. A.D. 1878

Certificate of fitness for employment of children and young persons under 16 in workshops.

28. In order to enable occupiers of workshops to better secure the observance of this Act, and prevent the employment in their workshops of children and young persons under the age of sixteen years who are unfitted for that employment, an occupier of a workshop is hereby authorised to obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of children and of young persons under the age of sixteen years for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the children and young persons, and grant certificates accordingly.

Power of inspector to require surgical certificate of capacity of child or young person under 16 for work.

29. Where an inspector is of opinion that a child or a young person under the age of sixteen years is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop, requiring that the employment of such child or young person be discontinued from the period named therein, not being less than one nor more than seven days after the service of such notice, and the occupier shall not continue after the period named in such notice to employ such child or young person (notwithstanding a certificate of fitness has been previously obtained for such child or young person), unless the certifying surgeon for the district has, after the service of the notice, personally examined such child or young person, and has certified that such child or young person is not so incapacitated as aforesaid.

Supplemental provisions as to certificates of fitness for employment.

30. All factories and workshops in the occupation of the same occupier, and in the district of the same certifying surgeon, or any of them, may be named in the certificate of fitness for employment, if the surgeon is of opinion that he can truly give the certificate for employment therein.

The certificate of birth (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the child or young person (whether such copy be obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876, to the effect that it appears from the re- 39 & 40 Vict. c. 79.

A.D. 1878 turns transmitted to such authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.

Where a certificate of fitness for employment is to the effect that the certifying surgeon has been satisfied of the age of a child or young person by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate, if he has reasonable cause to believe that the real age of the child or young person named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.

When a child becomes a young person a fresh certificate of fitness must be obtained.

The occupier shall, when required, produce to an inspector at the factory or workshop in which a child or young person is employed, the certificate of fitness of such child or young person for employment, which he is required to obtain under this Act.

(7.) *Accidents.*

Notice of accidents causing death or bodily injury.

31. Where there occurs in a factory or a workshop any accident which either—

(*a.*) causes loss of life to a person employed in the factory or in the workshop, or

(*b.*) causes bodily injury to a person employed in the factory or in the workshop, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or by escape of gas, steam, or metal, and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident,

written notice of the accident shall forthwith be sent to the inspector and to the certifying surgeon for the district, stating the residence of the person killed or injured, or the place to which he may have been removed, and if any such notice is not sent the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

If any such accident as aforesaid occurs to a person employed in an iron mill or blast furnace, or other factory or workshop where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report

the same to the occupier, and in default shall be liable to a fine not exceeding five pounds. A.D. 1878

A notice of an accident, of which notice is required by section sixty-three of the Explosives Act, 1875, to be sent to a government inspector, need not be sent to the certifying surgeon in pursuance of this section. 38 & 39 Vict. c. 17.

32. Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or a workshop, he shall with the least possible delay proceed to the factory or workshop, and make a full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the inspector a report thereof. Investigation of and report on accidents by certifying surgeon.

The certifying surgeon, for the purpose only of an investigation under this section, shall have the same powers as an inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed.

There shall be paid to the said surgeon for the investigation such fee, not exceeding ten nor less than three shillings, as a Secretary of State considers reasonable, which fee shall be paid as expenses incurred by a Secretary of State in the execution of this Act.

PART II.

Special Provisions relating to particular Classes of Factories and Workshops.

(1.) *Special Provisions for Health in certain Factories and Workshops.*

33. For the purpose of securing the observance of the requirements of this Act as to cleanliness in every factory and workshop, all the inside walls of the rooms of a factory or workshop, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of a factory or workshop, if they have not been painted with oil or varnished once at least within seven years, shall be limewashed once at least within every fourteen months, to date from the period when last limewashed; and if they have been so painted or varnished, shall be washed with hot water and soap once at least within every fourteen months, to date from the period when last washed. Limewashing and washing of the interior of factories and workshops.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Where it appears to a Secretary of State that in any class of

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factories or workshops, or parts thereof, the regulations in this section are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by order made under this part of this Act, grant to such class of factories or workshops, or parts thereof, a special exception that the regulations in this section shall not apply thereto.

Limewashing, painting, and washing of the interior of bakehouses.

34. Where a bakehouse is situate in any city, town, or place containing, according to the last published Census for the time being, a population of more than five thousand persons, all the inside walls of the rooms of such bakehouse, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of such bakehouse, shall either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; where painted with oil or varnished there shall be three coats of paint or varnish, and the paint or varnish shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every six months; where limewashed the limewashing shall be renewed once at least in every six months.

A bakehouse in which there is any contravention of this section shall be deemed not to be kept in conformity with this Act.

Provision as to sleeping places near bakehouses.

35. Where a bakehouse is situate in any city, town, or place containing, according to the last published Census for the time being, a population of more than five thousand persons, a place on the same level with the bakehouse, and forming part of the same building, shall not be used as a sleeping place, unless it is constructed as follows; that is to say,

unless it is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and

unless there be an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

Any person who lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for every subsequent offence five pounds.

Provision as to ventilation by fan in factories and workshops.

36. If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on, by which dust is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct a fan or other

mechanical means of a proper construction for preventing such inhalation to be provided within a reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act. A.D. 1878

37. A child, young person, or woman shall not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means be employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers. Protection of workers in wet-spinning.

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

(2.) *Special Restrictions as to Employment, Meals, and Certificates of Fitness.*

38. A child or young person shall not, to the extent mentioned in the First Schedule to this Act, be employed in the factories or workshops or parts thereof named in that schedule. Prohibition of employment of children and young persons in certain factories or workshops.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

39. A child, young person, or woman shall not be allowed to take a meal or to remain during the times allowed for meals in the parts of factories or workshops to which this section applies; and a child, young person, or woman allowed to take a meal or to remain in contravention of this section shall be deemed to be employed contrary to the provisions of this Act. Prohibition of taking meals in certain parts of factories and workshops.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

This section applies to the parts of factories or workshops named in the Second Schedule to this Act.

Where it appears to a Secretary of State that by reason of the nature of the process in any class of factories or workshops or parts thereof not named in the said schedule, the taking of meals therein is specially injurious to health, he may, if he thinks fit, by order made under this part of this Act extend the prohibition in this section to the said class of factories or workshops or parts thereof.

If the prohibition in this section is proved to the satisfaction of a Secretary of State to be no longer necessary for the protection of the health of children, young persons, and women in any class of factories or workshops or parts thereof to which the prohibition has been extended by an order, he may, by an order made under this part of this Act, rescind the order of ex-

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tension, without prejudice nevertheless to the subsequent making of another order.

In print works and bleaching and dyeing works, period of employment and times allowed for meals.

40. In print works and bleaching and dyeing works the period of employment for a child, young person, and woman, and the times allowed for meals, shall be the same as if the said works were a textile factory, and the regulations of this Act, with respect to the employment of children, young persons, and women in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories; save that nothing in this section shall prevent the continuous employment of a child, young person, or woman in the said works without an interval of half an hour for a meal, for the period allowed by this Act in a non-textile factory.

Power to require certificates of fitness for employment of children and young persons under 16 in certain workshops.

41. Where it appears to a Secretary of State that by reason of special circumstances affecting any class of workshops it is expedient for protecting the health of the children and of the young persons under the age of sixteen years employed therein, to extend thereto the prohibition in this section mentioned, he may, by order made under this part of this Act, extend to such class of workshops the prohibition in this Act of the employment of children and young persons under the age of sixteen years without a certificate of the fitness of such child or young person for employment, and thereupon the provisions of this Act with respect to certificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories.

If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the children and the young persons under the age of sixteen years employed in any class of workshops to which it has been extended under this section, he may by order made under this part of this Act rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

(3.) *Special Exceptions relating General Law in certain Factories and Workshops.*

(a.) *Period of Employment.*

Period of employment between 8 a.m. and 8 p.m. in certain cases.

42. In the factories and workshops or parts thereof to which this exception applies the period of employment for young persons and women, if so fixed by the occupier and specified in the notice, may, except on Saturday, begin at eight o'clock in the morning and end at eight o'clock in the evening, and on Saturday may begin at eight o'clock in the morning and end at

four o'clock in the afternoon, or where it begins at seven o'clock in the morning may end at three o'clock in the afternoon; and the period of employment for a child in a morning set may begin at the same hour, and the period of employment for a child in an afternoon set may end at the same hour. A.D. 1878

This exception applies to the factories and workshops and parts thereof specified in Part One of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require the extension thereto of this exception, and that the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Power to Secretary of State to allow period of employment between 9 a.m. and 9 p.m. in certain cases.

43. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act grant to such class of factories or workshops or parts thereof a special exception, that the period of employment for young persons and women therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at nine o'clock in the morning, and end at nine o'clock in the evening, and in such case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment for a child in an afternoon set shall end at eight o'clock in the evening.

Power of working male young persons above 16 in lace factories.

44. The regulations of this Act with respect to the employment of young persons in textile factories shall not prevent the employment, in the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, of any male young person above the age of sixteen years between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions; namely,

(*a.*) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the factory, there shall be allowed him for meals and absence from work be-

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tween the above-mentioned hours of four in the morning and ten in the evening not less than nine hours; and

(*b.*) Where such young person is employed on any day before the beginning of the ordinary period of employment in the factory, he shall not be employed on the same day after the end of that period; and

(*c*). Where such young person is employed on any day after the end of the ordinary period of employment in the factory, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the factory means the period of employment for young persons under the age of sixteen years or women in the factory, or if none are employed, means such period as can under this Act be fixed for the employment of such young persons and women in the factory, and notice of such period shall be affixed in the factory.

Power of working male young persons above 16 in bakehouses.

45. The regulations of this Act with respect to the employment of young persons in non-textile factories or workshops, shall not prevent the employment, in the part of a bakehouse in which the process of baking bread is carried on, of any male young person above the age of sixteen years between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions; namely,

(*a.*) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the bakehouse, there shall be allowed him for meals and absence from work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours; and

(*b.*) Where such young person is employed on any day before the beginning of the ordinary period of employment in the bakehouse, he shall not be employed after the end of that period on the same day; and

(*c.*) Where such young person is employed on any day after the end of the ordinary period of employment in the bakehouse, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the bakehouse means the period of employment for young persons under the age of sixteen years or women in

the bakehouse, or if none are employed, means such period as can under this Act be fixed for the employment of such young persons and women in the bakehouse, and notice of such period shall be affixed in the bakehouse. A.D. 1878

Where it is proved to the satisfaction of a Secretary of State that the exigencies of the trade carried on in bakehouses, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the male young persons affected thereby, he may by order made under this part of this Act grant to bakehouses, or to bakehouses situate in the said locality, a special exception permitting the employment of male young persons of sixteen years of age and upwards as if they were no longer young persons.

Substitution by Secretary of State of another half holiday for Saturday.

46. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for children, young persons, and women is required by this Act to end on Saturday, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday, and in such case this Act shall apply in such factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day.

Employment in Turkey red dyeing on Saturday up to 4.30 p.m.

47. In the process of Turkey red dyeing, nothing in Part One of this Act shall prevent the employment of young persons and women on Saturday until half-past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work, which shall in no case be exceeded.

Continuous employment of children, young persons, and women in certain cases.

48. In any of the textile factories to which this exception applies, if the period of employment for young persons and women, as fixed by the occupier and specified in the notice, begins at the hour of seven in the morning, and the whole time between that hour and eight o'clock is allowed for meals, the regulations of this Act with respect to the employment of children, young persons, and women shall not prevent a child, young person, or woman, between the first day of November and the last day of March next following, being employed continuously, without an interval of at least half-an-hour for

A.D. 1878 a meal, for the same period as if the factory were a non-textile factory.

This exception applies to the textile factories specified in Part Seven of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Giving half holidays and holidays on different days to different sets of children, young persons, and women.

49. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorising the occupier of any such factory or workshop to allow all or any of the half holidays, or whole holidays in lieu of them, on different days to any of the children, young persons, and women employed in his factory or workshop, or to any sets of such children, young persons, and women, and not on the same days.

Employment of young persons and women by Jewish occupiers of factories or workshops.

50. Where the occupier of a factory or workshop is a person of the Jewish religion, the regulations of this Act with respect to the employment of young persons and women shall not prevent him—

(1.) If he keeps his factory or workshop closed on Saturday until sunset, from employing young persons and women on Saturday from after sunset until nine o'clock in the evening; or

(2.) If he keeps his factory or workshop closed on Saturday both before and after sunset, from employing young persons and women one hour on every other day in in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before six o'clock in the morning or after nine o'clock in the evening; or

(3.) If all the children, young persons, and women in his factory or workshop are of the Jewish religion, from giving them, if so specified in a notice affixed in the factory or workshop as by this Act provided, any two

public holidays under the Holidays Extension Act, 1875, in lieu of Christmas Day and Good Friday, but in that case such factory or workshop shall not be open for traffic on Christmas Day or Good Friday. A.D. 1878 —— 38 & 39 Vict. c.13.

51. No penalty shall be incurred by any person in respect of any work done on Sunday in a factory or workshop by a young person or woman of the Jewish religion, subject to the following conditions: Employment of Jews by Jews on Sunday.

(1.) The occupier of the factory or workshop shall be of the Jewish religion; and

(2.) The factory or workshop shall be closed on Saturday and shall not be open for traffic on Sunday; and

(3.) The occupier shall not avail himself of the exception authorising the employment of young persons and women on Saturday evening, or for an additional hour during any other day of the week.

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so specify in the notice the word Friday, were substituted for Saturday.

(b.) *Meal Hours.*

52. The provisions of this Act which require that all the children, young persons, and women employed in a factory or workshop shall have the times allowed for meals at the same hour of the day shall not apply in the cases mentioned in Part Two of the Third Schedule to this Act. Exception as to meal times being simultaneous and as to employment or remaining in room where manufacturing process is carried on during meal times.

The provisions of this Act which require that a child, young person, and woman shall not, during any part of the times allowed for meals in a factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on, shall not apply in the cases and to the extent mentioned in Part Two of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of factories or workshops or parts thereof it is necessary, by reason of the continuous nature of the process, or of special circumstances affecting such class, to extend thereto the exceptions in this section or either of them, and that such extension can be made without injury to the health of the children, young persons, and women affected thereby, he may

A.D. 1878 by order made under this part of this Act extend the same accordingly.

(c.) *Overtime.*

Power to employ young persons and women for 14 hours a day.

53. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment in the factories and workshops or parts thereof to which this exception applies of young persons and of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, if they are employed in accordance with the following conditions; namely,

(1.) There shall be allowed to every such young person and woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and

(2.) Any such young person or woman shall not be so employed on the whole for more than five days in any one week, nor for more than forty-eight days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part Three of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ young persons and women in manner authorised by this exception, and that such employment will not injure the health of the young persons and women affected thereby, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof.

Power to employ for half an hour after end of work where process is in an incomplete state.

54. If in any factory or workshop or part thereof to which this exception applies, the process in which a child, young person, or woman is employed is in an incomplete state at the end of the period of employment of such child, young person, or woman, the provisions of this Act with respect to the period of employment shall not prevent such child, young person, or woman from being employed for a further period not exceeding thirty minutes:

Provided that such further periods when added to the total number of hours of the periods of employment of such child, young person, or woman in that week, do not raise that total above the number otherwise allowed under this Act.

This exception applies to the factories and workshops specified in Part Four of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof the time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to such class of factories or workshops or parts thereof of this exception can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Employment of young persons, &c. in Turkey red dyeing and open-air bleaching.

55. Nothing in this Act shall prevent the employment of young persons and women so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

Employment of women for 14 hours a day to preserve perishable articles.

56. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment, in the factories and workshops and parts thereof to which this exception applies, of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, if they are employed in accordance with the following conditions; namely,

(1.) There shall be allowed to every such woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and

(2.) Any such woman shall not be so employed on the whole for more than five days in any one week, nor for more than ninety-six days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part Five of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may by order made

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under this part of this Act extend this exception to such factories or workshops or parts thereof.

Exception for factories driven by water power.

57. Where it appears to a Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by order made under this part of this Act, grant to such factories a special exception permitting the employment of young persons and women during a period of employment from six o'clock in the morning until seven o'clock in the afternoon, on such conditions as he may think proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, and that as regards factories liable to be stopped by drought, such special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, such special exception shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months.

(d.) *Nightwork.*

Employment of male young persons at night.

58. Nothing in this Act shall prevent the employment, in factories and workshops to which this exception applies, of male young persons during the night, if they are employed in accordance with the following conditions :

(1.) The period of employment shall not exceed twelve consecutive hours, and shall begin and end at the hours specified in the notice in this Act mentioned ; and

(2.) The provisions of Part One of this Act with respect to the allowance of times for meals to young persons during the period of employment shall be observed with the necessary modifications as to the hour at which the times allowed for meals are fixed ; and

(3.) A male young person employed during any part of the night shall not be employed during any part of the twelve hours preceding or succeeding the period of employment ; and

(4.) A male young person shall not be employed on more than six nights, or in the case of blast furnaces or paper mills seven nights, in any two weeks.

The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of eight half holidays in every year or of whole holidays in lieu of them, shall not apply to a male young person employed in day and night turns in pursuance of this exception.

This exception applies to the factories and workshops specified in Part Six of the Third Schedule to this Act. A.D. 1878

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the nature of the business requiring the process to be carried on throughout the night, to employ male young persons of sixteen years of age or upwards at night, and that such employment will not injure the health of the male young persons employed, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof, so far as regards young persons of the age of sixteen years or upwards.

Employment in certain letter-press printing works of male young persons of 16 at night.

59. In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, nothing in this Act shall prevent the employment of a male young person of sixteen years of age and upwards at night during not more than two nights in a week, as if he were no longer a young person.

Employment of male young persons in glass works.

60. In glass works nothing in this Act shall prevent any male young person from working according to the accustomed hours of the works, if he is employed in accordance with the following conditions; namely,

(1.) The total number of hours of the periods of employment shall not exceed sixty in any one week; and

(2.) The periods of employment for any such young person shall not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that such number of turns do not exceed nine; and

(3.) Such young person shall not work in any turn without an interval of time not less than one full turn; and

(4.) There shall be allowed to such young person during each turn (so far as is practicable) the like times for meals as are required by this Act to be allowed in any other non-textile factory or workshop.

(4.) *Special Exception for Domestic and certain other Factories and Workshops.*

Exception of domestic factories and workshops and certain

61. The provisions of this Act which relate—

(1.) To the cleanliness (including limewashing, painting, varnishing, and washing) or to the freedom from effluvia, or to the overcrowding, or ventilation of a factory or workshop; or

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other workshops from certain provisions of the Act.

(2.) To all children, young persons, and women employed in a factory or workshop having the times allowed for meals at the same hour of the day, or during any part of the times allowed for meals in a factory or workshop being employed in the factory or workshop or being allowed to remain in any room; or

(3.) To the affixing of any notice or abstract in a factory or workshop; or specifying any matter in the notice so affixed; or

(4.) To the allowance of any holidays to a child, young person, or woman; or

(5.) To the sending notice of accidents;

shall not apply—

(*a.*) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is, by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or

(*b.*) To a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

And the provisions of this Act with respect to certificates of fitness for employment shall apply to any such private house, room, or place as aforesaid, which by reason of the nature of the work carried on there is a factory, as if the same were a workshop within the meaning of this Act, and not a factory.

Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed for all the purposes of this Act to be conducted on the said system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act. A change in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Nothing in this section shall exempt a bakehouse from the provisions of this Act with respect to cleanliness (including

limewashing, painting, varnishing, and washing,) or to freedom from effluvia. A.D. 1878

Exception for certain descriptions of flax scutch mills from certain provisions of Act.

62. The regulations of this Act with respect to the employment of women shall not apply to flax scutch mills which are conducted on the system of not employing either children or young persons therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year. A flax scutch mill shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct such mill on that system.

(5.) *Supplemental as to Special Provisions.*

Requirement of sanitary provisions as condition of special exceptions.

63. Where it appears to a Secretary of State that the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of any child, young person, or woman employed, in pursuance of an exception under this part of this Act, either for a longer period than is otherwise allowed by this Act, or at night, he may by order made under this part of this Act direct that the adoption of such means or provision shall be a condition of such employment; and if it appears to a Secretary of State that the adoption of any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by order made under this part of this Act, rescind the order directing such adoption without prejudice to the subsequent making of another order.

Power to rescind order granting or extending exception.

64. Where an exception has been granted or extended under this part of this Act by an order of a Secretary of State, and it appears to a Secretary of State that such exception is injurious to the health of the children, young persons, or women employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the said exception was so granted or extended, he may by an order made under this part of this Act rescind the grant or extension, without prejudice to the subsequent making of another order.

Provisions as to order of Secretary of State.

65. Where a Secretary of State has power to make an order under this part of this Act, the following provisions shall apply to that order:

(1.) The order shall be under the hand of the Secretary of State and shall be published in the London Gazette, and shall come into operation at the date of such

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publication in the London Gazette, or at any later date mentioned in the order:

(2.) The order may be temporary or permanent, conditional or unconditional, and whether extending a prohibition or exception, granting an exception, directing the adoption of any means or provisions, or rescinding a previous order, or effecting any other thing, may do so either wholly or partly:

(3.) The order shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the same has been so laid before such house, resolve that such order ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such order or to the making of any new order:

(4.) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the extension or grant or otherwise for making the order.

Provisions as to occupier availing himself of special exceptions, and registry of work under them.

66. An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception under this part of this Act, shall serve on an inspector, and (except in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply) affix in his factory or workshop notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

Before the service of such notice on the inspector the special exception shall not be deemed to apply to the factory or workshop, and after the service of such notice on the inspector it shall not be competent in any proceeding under this Act for the occupier to prove that such special exception does not apply to his factory or workshop, unless he has previously served on an inspector notice that he no longer intends to avail himself of such special exception.

The notice so served and affixed shall specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every child, young person, and woman where they differ from the ordinary hours or times.

An occupier of a factory or workshop shall enter in the prescribed register, and report to an inspector, the prescribed particulars respecting the employment of a child, young person, or woman in pursuance of an exception, but such entry and report need not be made in the case of a factory or workshop

to which the provisions of this Act with respect to the affixing of notices do not apply, except so far as may be from time to time prescribed by a Secretary of State. A.D. 1878

Where the occupier of a factory or workshop avails himself of an exception under this part of this Act, and a condition for availing himself of such exception (whether specified in this part of this Act, or in an order of a Secretary of State made under this part of this Act) is not observed in that factory or workshop, then

(1.) If such condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act; and

(2.) In any other case a child, young person, or woman employed in the factory or workshop, in alleged pursuance of the said exception, shall be deemed to be employed contrary to the provisions of this Act.

PART III.

Administration, Penalties, and Legal Proceedings.

(1.) *Inspection.*

Appointment, payment, &c. of inspectors of factories, and clerks and servants.

67. A Secretary of State from time to time, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time fix) and such clerks and servants as he may think necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may constitute a principal inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by a Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

Notice of the appointment of every such inspector shall be published in the London Gazette.

A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory or workshop, shall not act as an inspector under this Act.

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An inspector under this Act shall not be liable to serve in any parochial or municipal office.

Such annual report of the proceedings of the inspectors as the Secretary of State from time to time directs shall be laid before both Houses of Parliament.

A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary of State from time to time directs, by declaration published in the London Gazette or otherwise as he thinks expedient for making the same known to all persons interested.

Powers of inspectors.

68. An inspector under this Act shall for the purpose of the execution of this Act have power to do all or any of the following things; namely,

(1.) To enter, inspect, and examine at all reasonable times by day and night a factory and a workshop and every part thereof when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop; and

(2.) To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; and

(3.) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same; and

(4.) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein; and

(5.) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated; and

(6.) To examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; and

(7.) To exercise such other powers as may be necessary for carrying this Act into effect. A.D. 1878

The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory and workshop.

Every person who wilfully delays an inspector in the exercise of any power under this section, or who fails to comply with a requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young person, or woman from appearing before or being examined by an inspector, or attempts so to conceal or prevent a child, young person, or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act: provided always that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night, twenty pounds; and where an inspector is so obstructed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or where the offence is committed at night, five pounds.

Restriction on entry of inspector into dwellings.

69. An inspector before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling as well as for a factory or workshop, shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority so to do from a Secretary of State, or such warrant as is hereinafter mentioned from a justice of the peace.

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence in all respects the same as an information on oath before a justice.

A justice of the peace, if satisfied by information on oath that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may in his discretion grant a warrant under his hand authorising the inspector named therein at any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place

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named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act with respect to obstruction of an inspector shall apply accordingly.

Certificates of appointment of inspectors.

70. Every inspector under this Act shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if required, produce to the occupier the said certificate.

Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in any such certificate, or falsely pretends to be an inspector under this Act, shall be liable to be imprisoned for a period not exceeding three months, with or without hard labour.

(2.) *Certifying Surgeons.*

Poor law medical officers to act where no certifying surgeon within three miles.

71. Where there is no certifying surgeon resident within three miles of a factory or workshop, the poor law medical officer shall be for the time being the certifying surgeon under this Act for such factory or workshop.

Appointment of certifying surgeons.

72. Subject to such regulations as may be from time to time made by a Secretary of State, an inspector may from time to time appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may from time to time revoke any such appointment.

Every appointment and revocation of appointment of a certifying surgeon may be annulled by a Secretary of State upon appeal to him for that purpose.

A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

A Secretary of State may from time to time make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

Regulations as to the grant of certificates of fitness.

73. A certificate of fitness for employment shall not be granted for the purposes of this Act, except upon personal examination of the person named therein.

A certifying surgeon shall not examine a child or young person for the purposes of a certificate of fitness for employment, or sign any such certificate, elsewhere than at the factory or workshop where such child or young person is or is about to be employed, unless the number of children and young persons employed in that factory or workshop are less than five, or

unless for some special reason allowed in writing by an inspector. A.D. 1878

If a certifying surgeon refuses to grant for any person examined by him a certificate of fitness for employment, he shall when required give in writing and sign the reasons for such refusal.

Fees of certifying surgeons for examination of children and young persons.

74. With respect to the fees to be paid to certifying surgeons in respect of the examination of, and grant of certificates of fitness for employment for, children and young persons in factories or workshops, the following provisions shall have effect:

(1.) The occupier may agree with the certifying surgeon as to the amount of such fees:

(2.) In the absence of any such agreement the fees shall be those named in the following scale:—

When the examination is at a factory or workshop not exceeding one mile from the surgeon's residence,	2*s.* 6*d.* for each visit and 6*d.* for each person after the first five examined at that visit.
When the examination is at a factory or workshop more than one mile from the surgeon's residence,	The above fees and an additional 6*d.* for each complete half mile over and above the mile.
When the examination is not at the factory or workshop, but at the residence of the surgeon, or at some place appointed by the surgeon for the purpose, and which place, as well as the day and hour, appointed for the purpose shall be published in the prescribed manner,	6*d.* for each person examined.

(3.) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted at the time at which the surgeon signs the certificates, or at any other time directed by an inspector:

(4.) The occupier may deduct the fee or any part thereof, not exceeding in any case threepence, from the wages of the person for whom the certificate was granted:

(5.) A Secretary of State may from time to time, if he think it expedient, alter any fees fixed by this section.

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(3.) *Miscellaneous.*

Notice of factory to be given to inspector.

75. Every person shall, within one month after he begins to occupy a factory, serve on an inspector a written notice containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding five pounds.

Regulation of hours by public clock.

76. Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose of regulating the period of employment in a factory or workshop, the period of employment and times allowed for meals for children, young persons, and women in that factory or workshop shall be regulated by that clock, which shall be specified in the notice affixed in the factory or workshop.

Registers to be kept in a factory or workshop.

77. The occupier of every factory and workshop to which this section applies shall keep in the prescribed form and with the prescribed particulars registers of the children and young persons employed in that factory or workshop, and of their employment, and of other matters under this Act.

The occupier of a factory or workshop shall send to an inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act.

This section applies to every factory and workshop in which a child or young person under the age of sixteen years is, for the time being, prohibited under this Act from being employed without a certificate of fitness for employment.

Where by reason of the number of children and young persons employed in a factory or workshop to which this section does not for the time being apply, or otherwise, it seems expedient to a Secretary of State so to do, he may order the occupier of that factory or workshop to keep a register under this section, with power to rescind such order, and while such order is in force this section shall apply to that factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

Affixing in factory or workshop of abstract of Act and notices.

78. There shall be affixed at the entrance of a factory and a workshop, and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop,—

(1.) The prescribed abstract of this Act; and
(2.) A notice of the name and address of the prescribed inspector; and
(3.) A notice of the name and address of the certifying surgeon for the district; and
(4.) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated; and
(5.) Every notice and document required by this Act to be affixed in the factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

Printing or writing and service of notices and documents, &c.

79. Any notice, order, requisition, summons, and document under this Act may be in writing or print, or partly in writing and partly in print.

Any notice, order, requisition, summons, and document required or authorised to be served or sent for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or, where that person is the occupier of a factory or workshop, by delivering the same or a true copy thereof to his agent or to some person in such factory or workshop; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be served on or sent to the occupier of a factory or workshop, it shall be deemed to be properly addressed if addressed to the occupier of such factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

Inspection of weights and measures used in factories and workshops.

80. Any Act for the time being in force relating to weights and measures shall extend to weights, measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if such factory or workshop were a place where goods are kept for sale, and such act shall apply accordingly, and every inspector of, or other person authorised to inspect or examine, weights and measures, shall inspect, stamp, mark, search for, and examine the said weights and measures, scales, balances, steelyards, and weighing machines accordingly, and

A.D. 1878 for that purpose shall have the same powers and duties as he has in relation to weights, measures, scales, balances, steelyards, and weighing machines used in the sale of goods.

(4.) *Fines.*

Fine for not keeping factory or workshop in conformity with Act.

81. If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a fine not exceeding ten pounds.

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order certain means to be adopted by the occupier, within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act; the court may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.

Penal compensation to person injured by want of fence to machinery, &c.

82. If any person is killed or suffers any bodily injury in consequence of the occupier of a factory having neglected to fence any machinery required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, or in consequence of the occupier of a factory or workshop having neglected to fence any vat, pan, or other structure required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, the occupier of the factory or workshop shall be liable to a fine not exceeding one hundred pounds, the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise as a Secretary of State determines:

Provided that the occupier of a factory shall not be liable to a fine under this section if an information against him for not fencing the part of the machinery, or the vat, pan, or other structure, by which the death or bodily injury was inflicted, has been heard and dismissed previous to the time when the death or bodily injury was inflicted.

Fine for employing children, young persons, and women contrary to the Act.

83. Where a child, young person, or woman is employed in a factory or workshop contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night, five pounds for each child, young person, or woman so employed; and where a child, young person, or woman is so employed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the

night, two pounds for each child, young person, or woman so employed. A.D. 1878

A child, young person, or woman who is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals and absence from work is, in contravention of the provisions of this Act, employed in the factory or workshop or allowed to remain in any room, shall be deemed to be employed contrary to the provisions of this Act.

Fine on parent for allowing child or young person to be employed contrary to the Act, or neglecting to cause child to attend school.

84. The parent of a child or young person shall,—

(1.) If such child or young person is employed in a factory or workshop contrary to the provisions of this Act, be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that such offence was committed without the consent, connivance, or wilful default of such parent; and

(2.) If he neglects to cause such child to attend school in accordance with this Act, be liable to a fine not exceeding twenty shillings for each offence.

Forgery of certificates, false entries and declarations.

85. Every person who forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided), or who gives or signs any such certificate knowing the same to be false in any material particular, or who knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid, or who knowingly utters or makes use of as applying to any person a certificate which does not so apply, or who personates any person named in a certificate, or who wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Every person who wilfully makes a false entry in any register, notice, certificate, or document required by this Act to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Fine on person committing offence for which occupier is liable.

86. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine, has in fact been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same fine as if he were the occupier.

87. Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon in-

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formation duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

Power of occupier to exempt himself from fine on conviction of the actual offender.

When it is made to appear to the satisfaction of an inspector at the time of discovering the offence, that the occupier of the factory or workshop had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the occupier of the factory or workshop.

Restraint on cumulative fines.

88. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

(*a.*) where the repetition of the offence occurs after an information has been laid for the previous offence; or

(*b.*) where the offence is one of employing two or more children, young persons, or women contrary to the provisions of this Act.

(5.) *Legal Proceedings.*

Prosecution of offences and recovery and application of fines.

89. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

All fines imposed in pursuance of this Act shall, save as otherwise expressly provided by this Act, be paid into the Exchequer.

The court of summary jurisdiction, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accus-

tomed to assemble for the purpose of holding petty sessions or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace. A.D. 1878

Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of that factory or workshop, and the father, son, or brother of such occupier, shall not be qualified to act as a member of such court.

Appeal to quarter sessions.

90. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom; subject, in England, to the conditions and regulations following:

(1.) The appeal shall be made to the next practicable court of general or quarter sessions having jurisdiction in the county or place in which the decision of the court was given, holden not less than twenty-one days after the day on which such decision was given; and

(2.) The appellant shall, within ten days after the day on which the decision of the court was given, serve notice on the other party and on the clerk of the court of summary jurisdiction of his intention to appeal, and of the general grounds of such appeal; and

(3.) The appellant shall, within three days after such notice is served, enter into a recognizance before a court of summary jurisdiction, with or without a surety or sureties as the court may direct, conditioned to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or the appellant may, if the court of summary jurisdiction thinks it expedient, instead of entering into a recognizance give such other security by deposit of money with the clerk of the court of summary jurisdiction or otherwise as the court deem sufficient; and

(4.) Where the appellant is in custody a court of summary jurisdiction may, if they think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody; and

(5.) The court of appeal may adjourn the hearing of the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of sum-

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mary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just; and

(6.) The court of appeal may also make such order as to costs to be paid by either party as the court thinks just; and

(7.) Whenever a decision is reversed by the court of appeal the clerk of the peace shall indorse on the conviction or order appealed against a memorandum that the same has been quashed, and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed, in every case where such copy or certificate would be sufficient evidence of such conviction or order; and

(8.) Every notice in writing required by this section to be given by an appellant may be signed by him or by his agent on his behalf, and may be transmitted in a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of post.

Limitation of time and general provisions as to summary proceedings.

91. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act:

(1.) The information shall be laid within two months, or, where the offence is punishable at discretion by imprisonment, or is a breach of the provisions of this Act with respect to holidays, within three months after the commission of the offence:

(2.) The description of an offence in the words of this Act, or in similar words, shall be sufficient in law:

(3.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant:

(4.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more:

(5.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop or the title of the firm by which the occupier employing persons in the factory or workshop is usually known:

(6.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case. A.D. 1878

Evidence in summary proceedings.

92. If a person is found in a factory, except at meal times, or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory between the hours of four and five o'clock in the afternoon, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory :

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this enactment ; and this enactment shall not apply to a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply.

Where a child or young person is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age.

A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of such conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, upon the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

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PART IV.

Definitions, Savings, Application to Scotland and Ireland, and Repeal.

(1.) *Definitions.*

Factories and workshops to which Act applies.

93. The expression "textile factory" in this Act means—

any premises wherein or within the close or curtilage of which steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, tow, china-glass, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof:

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories.

The expression "non-textile factory" in this Act means—

(1.) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Fourth Schedule to this Act,

(2.) also any premises or places named in Part Two of the said schedule wherein, or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there,

(3.) also any premises wherein, or within the close or curtilage or precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes, or any of them; that is to say,

(*a.*) in or incidental to the making of any article or of part of any article, or

(*b.*) in or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(*c.*) in or incidental to the adapting for sale of any article,

and wherein, or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there.

The expression "factory" in this Act means textile factory

and non-textile factory, or either of such descriptions of factories. A.D. 1878

The expression "workshop" in this Act means—

(1.) any premises or places named in Part Two of the Fourth Schedule to this Act, which are not a factory within the meaning of this Act,

(2.) also any premises, room, or place not being a factory within the meaning of this Act, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes or any of them; that is to say,

(*a.*) in or incidental to the making of any article or of part of any article, or

(*b.*) in or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(*c.*) in or incidental to the adapting for sale of any article,

and to which or over which premises, room, or place the employer of the persons working therein has the right of access or control.

A part of a factory or workshop may for the purposes of this Act be taken to be a separate factory or workshop; and a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act.

Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, such place shall not be deemed to form part of that factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.

Any premises or place shall not be excluded from the definition of a factory or workshop by reason only that such premises or place are or is in the open air.

This Act shall not apply to such workshops, other than bakehouses, as are conducted on the system of not employing any child, young person, or woman therein, but save as aforesaid applies to all factories and workshops as before defined, inclusive of factories and workshops belonging to the Crown; provided that in case of any public emergency a Secretary of State may exempt a factory or workshop belonging to the Crown from this Act to the extent and during the period named by him.

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The exercise by any child or young person in any recognised efficient school during a portion of the school hours of any manual labour for the purpose of instructing such child or young person in any art or handicraft, shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

Definition of employment and working for hire.

94. A child, young person, or woman who works in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

For the purposes of this Act an apprentice shall be deemed to work for hire.

Definition of "certified efficient school." 33 & 34 Vict. c. 75. 36 & 37 Vict. c. 86.

95. The expression "certified efficient school" in this Act means a public elementary school within the meaning of the Elementary Education Acts, 1870 and 1873, and any workhouse school in England certified to be efficient by the Local Government Board, and also any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of Her Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school; and the expression "recognised efficient school" means a certified efficient school as above defined, and also any school which the Education Department have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education, and the inspector shall immediately report to the Education Department every school so recognised by him.

Definition of "recognised efficient school." 33 & 34 Vict. c. 75.

General definitions. "Child." "Young person."

96. In this Act, unless the context otherwise requires,—

The expression "child" means a person under the age of fourteen years:

The expression "young person" means a person of the age of fourteen years and under the age of eighteen years:

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The expression "woman" means a woman of eighteen years of age and upwards: "Woman."

The expression "parent" means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages, of a child or young person: "Parent."

The expression "Treasury" means the Commissioners of Her Majesty's Treasury: "Treasury."

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State: "Secretary of State."

The expression "Education Department" means the Lords of the Committee of the Privy Council on Education: "Education Department."

The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health Act, 1875, and any commissions, board, or vestry in the metropolis having the like powers as such urban sanitary authority: "Sanitary authority." 38 & 39 Vict. c. 55.

The expression "person" includes a body of persons corporate or unincorporate: "Person."

The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night: "Week."

The expression "night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning: "Night."

The expression "prescribed" means prescribed for the time being by a Secretary of State: "Prescribed."

The expression "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of "justices of the peace out of sessions within England and "Wales with respect to summary convictions and orders," and any Acts amending the same: "Summary Jurisdiction Acts."

The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to: "Court of summary jurisdiction."

The expression "mill-gearing" comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process. "Mill-gearing."

The factories and workshops named in the Fourth Schedule No. 12. (Pub. Gen. Statutes, 1878—Scotland.)

A.D. 1878 to this Act are in this Act referred to by the names therein assigned to them.

Special exemption of certain Trades.

Exemption of handicrafts in Fifth Schedule in private houses.

97. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade or for purposes of gain in or incidental to any of the handicrafts specified in the Fifth Schedule to this Act, shall not of itself constitute such house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of a Secretary of State that by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein, or by any them, it is expedient to extend this section to that handicraft, he may by order extend the same.

The order shall be made in manner provided by Part Two of this Act, and that part shall apply so far as circumstances admit as if the order were an order extending an exception.

Exemption of certain home-work.

98. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to some of the purposes in this Act in that behalf mentioned, shall not of itself constitute such house or room a workshop where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to such family.

(2.) *Savings.*

Saving as to liability of hirer of machine where not occupier.

99. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connexion with which machine or implement children, young persons, or women are employed, is some person other than the occupier of the factory, and such children, young persons, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act which may be committed in relation to such children, young persons, or women, be deemed to be the occupier of the factory.

Saving for person employed in repair of machinery or of factory or workshop,

100. Nothing in this Act shall extend—

(1.) To any young person, being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop; or

(2.) To the process of gutting, salting, and packing fish immediately upon its arrival in the fishing boats.

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101. The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace not kept in a cleanly state or not ventilated or overcrowded, shall not apply to a factory or workshop which is subject to the provisions of this Act relating to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace.

or in process of curing fish.

Application to factories and workshops of 38 & 39 Vict. c. 55.

It is hereby declared that the Public Health Act, 1875, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as it applies to buildings where more than twenty are employed.

102. Any enactment or document referring to the Acts repealed by this Act, or any of them, or to any enactment thereof, shall be construed to refer to this Act and to the corresponding enactment thereof.

Construction of enactments, &c. referring to repealed Acts.

(3.) *Application of Act to Scotland and Ireland.*

103. The provisions of this Act shall, in the case of a factory or workshop in Scotland or Ireland, in which a child under the age of ten years may lawfully be employed at the passing of this Act, be modified as follows; that is to say,

Temporary saving for employment of children under 10 and children over 13 in Scotland and Ireland.

(1.) Shall apply during twelve months after the commencement of this Act to children of the age of nine years and upwards, as if they were of the age of ten years; and

(2.) Shall not prevent a child who, before the commencement of this Act, is lawfully employed in any factory or workshop as a child under the age of nine years, or any child who during the twelve months next after the commencement of this Act is lawfully employed in any factory or workshop as a child under the age of ten years, from continuing to be employed in a factory or workshop in like manner as if the child were above the age of ten years; and

(3.) Shall apply during twelve months after the commencement of this Act to children of the age of thirteen years and upwards as if they were young persons; and

(4.) Shall not prevent a child, who before the expiration of twelve months after the commencement of this Act is lawfully employed in a factory or workshop as a young person, from continuing to be employed in a factory or workshop as a young person.

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Certificates of birth for purposes of Act.

104. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by a Secretary of State, and on payment of such fee, not exceeding one shilling, as a Secretary of State from time to time fixes, shall be entitled to obtain—

(1.) In Scotland an extract under the hand of the registrar under the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, and any Acts amending the same, of the entry in the register kept under those Acts; and

(2.) In Ireland a certified copy under the hand of the registrar or superintendent registrar under the Registration of Births and Deaths (Ireland) Act of the entry in the register under that Act of the birth of the child named in the requisition.

26 & 27 Vict. c. 11.

Application of Act to Scotland.

105. In the application of this Act to Scotland—

(1.) The expression "certified efficient school" means any public or other elementary school under Government inspection:

(2.) In lieu of Christmas Day and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of two days separated from each other by an interval of not less than three months, one of which shall be a day set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, or some other day substituted for such day as aforesaid by the occupier specifying the same in the notice affixed in the factory or workshop:

38 & 39 Vict. c. 13.

(3.) The expression "sanitary authority" means the local authority under the Public Health (Scotland) Act, 1867:

30 & 31 Vict. c. 101.

(4.) The expression "medical officer of health" means the medical officer under the Public Health (Scotland) Act, 1867, or where no such officer has been appointed, the medical officer appointed by the parochial board:

The expression "poor law medical officer" means the medical officer appointed by the parochial board:

8 & 9 Vict. c. 16.

(5.) The expression "Companies Clauses Consolidation Act,

1845," means the Companies Clauses Consolidation (Scotland) Act, 1845: A.D. 1878

(6.) The expression "Summary Jurisdiction Acts" means the Summary Procedure Act, 1864, and any Acts amending the same: 8 & 9 Vict. c. 17. 27 & 28 Vict. c. 53.

(7.) The expression "court of summary jurisdiction" means the sheriff of the county or any of his substitutes:

(8.) The expression "Education Department" means the Lords of the Committee of the Privy Council appointed by Her Majesty on Education in Scotland:

(9.) The expression "county court" means the sheriff court:

(10.) All matters required by this Act to be published in the London Gazette shall (if they relate exclusively to Scotland), instead of being published in the London Gazette, be published in the Edinburgh Gazette only:

(11.) The expression "information" means petition or complaint:

(12.) The expression "informant" means petitioner, pursuer, or complainer:

(13.) The expression "defendant" means defender or respondent:

(14.) The expression "clerk of the peace" means sheriff clerk:

(15.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction Acts at the instance of the procurator fiscal or of an inspector under this Act:

(16.) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by such procurator fiscal or inspector presented in common form:

(17.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months:

(18.) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that such prosecution is brought at the instance of such inspector:

(19.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction:

(20.) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him

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accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund:

(21.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs and their substitutes:

(22.) Any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Act of the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, or under any enactment amending that Act, or applying or incorporating its provisions, or any of them, with regard to appeals, or to the Court of Justiciary at Edinburgh under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875.

38 & 39 Vict. c. 62.

Application of Act to Ireland.

106. In the application of this Act to Ireland—

(1.) The expression "certified efficient school" means any national school, or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act:

(2.) In lieu of any two half-holidays allowed under the provisions of sub-section (2) in section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March: Provided, that when this date falls on a Sunday, this sub-section shall have no effect as regards such date:

(3.) The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1874, and any Act amending the same:

37 & 38 Vict. c. 93.

(4.) The expression "medical officer of health" means the medical sanitary officer of the sanitary district:

The expression "poor law medical officer" means the dispensary doctor:

(5.) Any Act authorised to be done or consent required to be given by the Education Department under this Act shall be done and given by the Lord Lieutenant or Lords Justices of Ireland, acting by and with the advice of the Privy Council in Ireland:

(6.) The expression "county court" means the civil bill court:

(7.) The expression "Summary Jurisdiction Acts" means, within the police district of Dublin metropolis, the

Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same: A.D. 1878

(8.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a stipendiary magistrate sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions: 14 & 15 Vict. c. 93.

(9.) Appeals from a court of summary jurisdiction shall lie in the manner and subject to the conditions and regulations prescribed in the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same: 14 & 15 Vict. c. 93.

(10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same: 14 & 15 Vict. c. 90.

(11.) The provisions of section nineteen of the Public Health Act, 1866, or of any enactment substituted for that section, with respect to any factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory or workshop which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace: 29 & 30 Vict. c. 90.

It is hereby declared that the Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1874, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as they apply to buildings where more than twenty persons are employed: 37 & 38 Vict. c. 93.

(12.) All matters required by this Act to be published in the London Gazette shall, if they relate exclusively to Ireland, instead of being published in the London Gazette, be published in the Dublin Gazette only.

(4.) *Repeal.*

107. The Acts specified in the Sixth Schedule to this Act are hereby repealed from and after the commencement of this Repeal of Acts.

A.D. 1878 Act to the extent in the third column of that schedule mentioned:

Provided that—

(1.) All notices affixed in the factory in pursuance of the Acts hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act; and

(2.) All inspectors, sub-inspectors, officers, clerks, and servants appointed in pursuance of the Acts hereby repealed shall continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act; and

(3.) All certifying surgeons appointed in pursuance of any Act hereby repealed shall be deemed to have been appointed in pursuance of this Act; and

(4.) All surgical certificates granted in pursuance of any Act hereby repealed shall have effect as certificates of fitness for employment granted in pursuance of this Act, and all registers kept in pursuance of any Act hereby repealed shall, until otherwise directed by a Secretary of State, be deemed to be the registers required by this Act; and

(5.) Any order made by a Secretary of State in pursuance of any enactment hereby repealed for granting any permission or relaxation to any factories or workshops may, if the Secretary of State so direct, continue in force for a period not exceeding three months after the commencement of this Act; and

(6.) The standard of proficiency fixed by the Education Department in pursuance of any enactment hereby repealed shall be deemed to have been fixed in pursuance of this Act; and

39 & 40 Vict. c. 79. 37 & 38 Vict. c. 44. (7.) A child exempted by section eight of the Elementary Education Act, 1876, from the provisions of section twelve of the Factory Act, 1874, by reason of his having attained the age of eleven years before the first day of January 1877, shall, on attaining the age of thirteen years, be deemed to be a young person within the meaning of this Act:

(8.) This repeal shall not affect—

(*a.*) Anything duly done or suffered under any enactment hereby repealed; or

(*b.*) Any obligation or liability incurred under any enactment hereby repealed; or

(*c.*) Any penalty or punishment incurred in respect of any offence committed against an enactment hereby repealed; or A.D. 1878

(*d.*) Any legal proceeding or remedy in respect of any such obligation, liability, penalty, or punishment as aforesaid, and any such legal proceeding and remedy may be carried on as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

Section 38.

SPECIAL PROVISIONS FOR HEALTH.

Factories and Workshops in which the Employment of Young Persons and Children is restricted.

Restriction of employment of young persons and children;

1. In a part of a factory or workshop in which there is carried on—

the process of silvering of mirrors by the mercurial process; or the process of making white lead,

a young person or child shall not be employed.

of children, &c. in glass works;

2. In the part of a factory in which the process of melting or annealing glass is carried on a child or female young person shall not be employed.

of girls under 16 in certain employments;

3. In a factory or workshop in which there is carried on—

(*a.*) the making or finishing of bricks or tiles not being ornamental tiles; or

(*b.*) the making or finishing of salt,

a girl under the age of sixteen years shall not be employed.

of children in metal grinding and lucifer-match dipping;

4. In a part of a factory or workshop in which there is carried on—

(*a.*) Any dry grinding in the metal trade, or

(*b.*) the dipping of lucifer matches,

a child shall not be employed.

of child under 11 in dry grinding, &c.

5. In any grinding in the metal trades other than dry grinding or in fustian cutting a child under the age of eleven years shall not be employed.

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SECOND SCHEDULE.

Special Restrictions.

Places Forbidden for Meals.

As to parts of factories or workshops in which children, young persons, and women are forbidden to take meals.

The prohibition on a child, young person, or woman taking a meal or remaining during the times allowed for meals in certain parts of factories or workshops applies to the parts of factories and workshops following; that is to say,

(1.) In the case of glass works, to any part in which the materials are mixed; and

(2.) In the case of glass works where flint glass is made to any part in which the work of grinding, cutting, or polishing is carried on; and

(3.) In the case of lucifer-match works, to any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and

(4.) In the case of earthenware works, to any part known or used as dippers house, dippers drying room, or china scouring room.

THIRD SCHEDULE.

Special Exceptions.

Part One.

Period of Employment.

Employment of children, young persons, and women between 8 a.m. and 8 p.m. in certain trades.

The exception respecting the employment of children, young persons, and women between the hours of eight in the morning and eight in the evening, and on Saturday between the hours of eight in the morning and four in the afternoon or between the hours of seven in the morning and three in the afternoon, applies to any factory or workshop or part thereof in which any of the following manufacturing processes or handicrafts are carried on; that is to say,

(*a.*) Lithographic printing:

(*b.*) Turkey red dyeing:

(*c.*) The making of any article of wearing apparel:

(*d.*) The making of furniture hangings:

(*e.*) Artificial flower making:

(*f.*) Bon-bon and Christmas present making:
(*g.*) Valentine making:
(*h.*) Fancy box making:
(*i.*) Envelope making:
(*k.*) Almanac making:
(*l.*) Playing card making:
(*m.*) Machine ruling:
(*n.*) Biscuit making:
(*o.*) Firewood cutting:
(*p.*) Job dyeing: or
(*q.*) Aërated water making; and also to
(*r.*) Bookbinding works:
(*s.*) Letter-press printing works: and
(*t.*) A part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

PART TWO. Section 52.

Meal Hours.

Cases in which provisions as to meal times are not to apply.

The cases in which the provisions of this Act as to meal times being allowed at the same hour of the day are not to apply are—

(1.) The case of children, young persons, and women employed in the following factories; that is to say,
Blast furnaces,
Iron mills,
Paper mills,
Glass works, and
Letter-press printing works; and

(2.) The case of male young persons employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on.

The cases in which and the extent to which the provisions of this Act as to a child, young person, or woman during the times allowed for meals being employed or being allowed to remain in a room in which a manufacturing process or handicraft is being carried on, are not to apply are,—

(1.) The case of children, young persons, and women employed in the following factories; that is to say,
Iron mills,
Paper mills,

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Glass works (save as otherwise provided by this Act), and

Letter-press printing works; and

(2.) The case of a male young person employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on, to this extent, that the said provisions shall not prevent him, during the times allowed for meals to any other young person or to any child or woman, from being employed or being allowed to remain in any room in which any manufacturing process is carried on, and shall not prevent, during the times allowed for meals to such male young person, any other young person or any child or woman from being employed in the factory or allowed to remain in any room in which any manufacturing process is carried on.

Section 53.

Part Three.

Overtime.

Factories and workshops in which young persons and women may be allowed to work for 14 hours a day under certain restrictions.

The exception with respect to the employment of young persons and women for forty-eight days in any twelve months during a period of employment, beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, applies to each of the factories and workshops, and parts thereof, following; that is to say,

(1.) Where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather; namely,

(*a.*) Flax scutch mills; and

(*b.*) A factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles not being ornamental tiles; and

(*c.*) The part of rope works in which is carried on the open-air process; and

(*d.*) The part of bleaching and dyeing works in which is carried on open air bleaching or Turkey red dyeing; and

(*e.*) A factory or workshop or part thereof in which is carried on glue making; and

(2.) Where press of work arises at certain recurring seasons of the year; namely,

(*f.*) Letter-press printing works;
(*g.*) Bookbinding works; and

a factory, workshop, or part thereof in which is carried on the manufacturing process or handicraft of—

(*h.*) Lithographic printing; or
(*i.*) Machine ruling; or
(*k.*) Firewood cutting; or
(*l.*) Bon-bon and Christmas present making; or
(*m.*) Almanac making; or
(*n.*) Valentine making; or
(*o.*) Envelope making; or
(*p.*) Aërated water making; or
(*q.*) Playing card making; and

(3.) Where the business is liable to sudden press of orders arising from unforeseen events; namely,

a factory or workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—

(*r.*) The making up of any article of wearing apparel; or
(*s.*) The making up of furniture hangings; or
(*t.*) Artificial flower making; or
(*u.*) Fancy box making; or
(*v.*) Biscuit making; or
(*w.*) Job dyeing; and also,
(*x.*) A part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

Provided that the said exception shall not apply—

(*a.*) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or

(*b.*) To a workshop or part thereof which is conducted on the system of not employing any child or young person therein.

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Section 54.

Part Four.

Additional Half Hour.

Factories in which a child, young person, or woman may be employed for an additional half hour.

The exception with respect to the employment of a child, young person, or woman for a further period of thirty minutes where the process is in an incomplete state applies to the factories following; (that is to say,)

(*a.*) Bleaching and dyeing works;
(*b.*) Print works;
(*c.*) Iron mills in which male young persons are not employed during any part of the night;
(*d.*) Foundries in which male young persons are not employed during any part of the night; and
(*e.*) Paper mills in which male young persons are not employed during any part of the night.

Section 56.

Part Five.

Overtime for Perishable Articles.

Factories and workshops in which women may be employed for 14 hours a day.

The exception with respect to the employment of women for ninety-six days in any twelve months during a period of employment beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening applies to a factory or workshop or part thereof in which any of the following processes is carried on; namely,

The process of making preserves from fruit,
The process of preserving or curing fish, or
The process of making condensed milk.

Section 58.

Part Six.

Night Work.

Factories in which male young persons may be employed at night.

The exception with respect to the employment of male young persons during the night applies to the factories following; (that is to say,)

(*a.*) Blast furnaces,
(*b.*) Iron mills,
(*c.*) Letter-press printing works, and
(*d.*) Paper mills.

Section 48.

Part Seven.

Spell.

Continuous em-

The exception respecting the continuous employment in certain textile factories during the winter months of children.

young persons, and women without an interval of at least half an hour for a meal for the same period as in a non-textile factory, applies to textile factories solely used for— A.D. 1878

(*a.*) The making of elastic web; or
(*b.*) The making of ribbon; or
(*c.*) The making of trimming.

ployment of children, young persons, and women for five hours in certain textile factories during the winter months. Sections 93, 96.

FOURTH SCHEDULE.

List of Factories and Workshops.

Part One.

Non-Textile Factories.

(1.) "Print works," that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper; "Print works."

(2.) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on; "Bleaching and dyeing works."

(3.) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware of any description, except bricks and tiles not being ornamental tiles; "Earthenware works."

(4.) "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood; "Lucifer-match works."

(5.) "Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps; "Percussion-cap works."

(6.) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges; "Cartridge works."

(7.) "Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours "Paper-staining works."

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upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power;

"Fustian-cutting works."

(8.) "Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting;

"Blast furnaces."

(9.) "Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on;

"Copper mills."

(10.) "Copper mills";

"Iron mills."

(11.) "Iron mills," that is to say, any mill, forge, or other premises, in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel;

"Foundries."

(12.) "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work;

"Metal and india-rubber works."

(13.) "Metal and india-rubber works," that is to say, any premises in which steam, water, or other mechanical power is used for moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or in the manufacture of india-rubber or gutta-percha, or of articles made wholly or partially of india-rubber or gutta-percha;

"Paper mills."

(14.) "Paper mills," that is to say, any premises in which the manufacture of paper is carried on;

"Glass works."

(15.) "Glass works," that is to say, any premises in which the manufacture of glass is carried on;

"Tobacco factories."

(16.) "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on;

"Letter-press printing works."

(17.) "Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on;

"Bookbinding works."

(18.) "Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on;

"Flax scutch mills."

(19.) Flax scutch mills.

Sections 93, 96.

Part Two.

Non-Textile Factories and Workshops.

"Hat works."

(20.) "Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on;

(21.) "Rope works," that is to say, any premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power; A.D. 1878 "Rope works."

(22.) "Bakehouses," that is to say, any places in which are baked bread, biscuits or confectionery from the baking or selling of which a profit is derived; "Bakehouses."

(23.) "Lace warehouses," that is to say, any premises, room, or place not included in bleaching and dyeing works as herein-before defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power; "Lace warehouses."

(24.) "Shipbuilding yards," that is to say, any premises in which any ships, boats, or vessels used in navigation are made, finished, or repaired; "Shipbuilding yards."

(25.) "Quarries," that is to say, any place, not being a mine, in which persons work in getting slate, stone, coprolites, or other minerals; "Quarries."

(26.) "Pit-banks," that is to say, any place above ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1872, or the Metalliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts. "Pit-banks." 35 & 36 Vict. c. 76. 35 & 36 Vict. c. 77.

FIFTH SCHEDULE. Section 97.

Special Exemptions.

Straw plaiting.
Pillow-lace making.
Glove making.

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Section 107.

SIXTH SCHEDULE.

Acts Repealed.

Session and Chapter.	Title of Act.	Extent of Repeal.
42 Geo. 3. c. 73.	An Act for the preservation of the health and morals of apprentices and others employed in cotton and other mills and cotton and other factories.	The whole Act.
3 & 4 Will. 4. c. 103.	An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom.	The whole Act.
7 & 8 Vict. c. 15.	An Act to amend the laws relating to labour in factories.	The whole Act.
9 & 10 Vict. c. 40.	An Act to declare certain ropeworks not within the operation of the Factory Acts.	The whole Act.
13 & 14 Vict. c. 54.	An Act to amend the Acts relating to labour in factories.	The whole Act.
16 & 17 Vict. c. 104.	An Act further to regulate the employment of children in factories.	The whole Act.
19 & 20 Vict. c. 38.	The Factory Act, 1856.	The whole Act.
24 & 25 Vict. c. 117.	An Act to place the employment of women, young persons, youths, and children in lace factories under the regulations of the Factories Acts.	The whole Act.
26 & 27 Vict. c. 40.	The Bakehouse Regulation Act, 1863.	The whole Act.
27 & 28 Vict. c. 48.	The Factory Acts Extension Act, 1864.	The whole Act.
29 & 30 Vict. c. 90.	The Sanitary Act, 1866.	The following words (so far as unrepealed) in section nineteen, "not "already under "the operation of "any general Act "for the regula- "tion of factories "or bakehouses."

Session and Chapter.	Title of Act.	Extent of Repeal.
30 & 31 Vict. c. 103.	The Factory Acts Extension Act, 1867.	The whole Act.
30 & 31 Vict. c. 146.	The Workshop Regulation Act, 1867.	The whole Act.
33 & 34 Vict. c. 62.	The Factory and Workshop Act, 1870.	The whole Act.
34 & 35 Vict. c. 19.	An Act for exempting persons professing the Jewish religion from penalties in respect of young persons and females professing the said religion working on Sundays.	The whole Act.
34 & 35 Vict. c. 104.	The Factory and Workshop Act, 1871.	The whole Act.
37 & 38 Vict. c. 44.	The Factory Act, 1874.	The whole Act.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	The following words in section four, "more than twenty," and the words "at one time," and the following words in section ninety-one, "not already under the operation of any general Act for the regulation of factories or bakehouses."
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	Section eight and the following words in section forty-eight, "the Factory Acts, 1833 to 1874, as amended by this Act, and includes the workshop Acts, 1867 to 1871, as amended by this Act, and".

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CHAPTER 17.

An Act to amend the Adulteration of Seeds Act, 1869. —[27*th May* 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 32 & 33 Vict. c. 112.

1. This Act may be cited as the Adulteration of Seeds Act, 1878, and shall be construed as one with the Adulteration of Seeds Act, 1869, and together with that Act may be cited as the Adulteration of Seeds Acts, 1869 and 1878.

Amendment of 32 & 33 Vict. c. 112. s. 2.

2. From and after the passing of this Act, section 2 of the Adulteration of Seeds Act, 1869, shall be read as if, instead of the words "The term 'to dye seeds' means to give to seeds "by any process of colouring, dyeing, sulphur smoking, or "other artificial means the appearance of seeds of another kind," there were therein inserted the words "The term 'to "'dye seeds' means to apply to seeds any process of colour- "ing, dyeing, or sulphur smoking."

PUBLIC WORKS LOANS ACT, 1878.

[41 Vict. Ch. 18.]

ARRANGEMENT OF CLAUSES.

Clause.
1. Short title.

PART I.

Public Works Loan Commissioners.

2. Grant of 6,000,000*l.* for loans during the period ending the 30th June 1879.
3. Composition of debt due from the Epping rural sanitary authority.
4. Amendment of 38 & 39 Vict. c. 89. s. 36. as to examination into proper application of loan advanced on rates.
5. Cancellation of debt due in respect of Wigan Church.
6. Repeal of obligation of the Public Works Loan Commissioners to take securities under 38 & 39 Vict. c. 83.

PART II.

Public Works Commissioners, Ireland.

7. Grant of 800,000*l.* for loan by Commissioners of Public Works in Ireland during the period ending the 30th of June 1879.

CHAPTER 18.

A.D. 1878

An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners and by the Commissioners of Public Works in Ireland, and to authorise the former Commissioners to compound and cancel certain loans and interest, and to amend the Public Works Loans Act, 1875.—[27*th May* 1878.]

WHEREAS by the Public Works Loans Act, 1875, and other Acts, the Public Works Loan Commissioners are authorised to make loans for the purposes therein mentioned, and it is expedient to grant the money herein-after mentioned for the purpose of such loans: 38 & 39 Vict. c. 89.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Public Works Loans Act, 1878. Short title.

PART I.

Public Works Loan Commissioners.

2. For the purpose of loans by the Public Works Loan Commissioners, any sum or sums not exceeding in the whole six million pounds may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by the Public Works Loans Act, 1875, during the period ending on the thirtieth day of June one thousand eight hundred and seventy-nine, or on any earlier day at which a further Act authorising the issue of money for the purpose of the said loans comes into operation. Grant of 6,000,000*l.* for loans during the period ending the 30th June 1879. 38 & 39 Vict. c. 89.

The Treasury may, in the manner and subject to the limitations provided by the Public Works Loans Act, 1875, borrow the said sum or any part thereof.

3. Whereas in pursuance of the Sanitary Act, 1866, and the Acts amending the same, one of Her Majesty's Principal Secretaries of State, being satisfied that the sewer authority for the special drainage district of Epping, in the county of Essex, had made default in providing their district with sufficient sewers and a supply of water, appointed a person to provide the same by means of certain works of drainage Composition of debt due from the Epping rural sanitary authority. 29 & 30 Vict. c. 90.

A.D. 1878 and water supply, and directed that the expenses of such works should be paid by the said authority, and certified that loans were required for the purpose of defraying those expenses, and charged the local rate with the repayment of the principal and interest due in respect of the said loans, and the Public Works Loan Commissioners advanced the amount of such loans:

And whereas the loans so advanced amount in the whole to a debt of eleven thousand nine hundred pounds, repayable by yearly instalments, with interest at five per cent. per annum:

And whereas the powers, property, and liabilities of the said sewer authority have become vested in and imposed on the rural sanitary authority of the Epping union:

And whereas the said sewer authority and rural sanitary authority refused to pay any sum in respect of the instalments or interest of the said debt, and alleged that the said works of drainage and water supply were useless:

And whereas the powers and duties vested in or imposed on one of Her Majesty's Principal Secretaries of State by the Sanitary Act, 1866, and the Acts amending the same, were transferred to and imposed on the Local Government Board by the Local Government Board Act, 1871:

29 & 30 Vict. c. 90.

34 & 35 Vict. c. 70.

And whereas Sir Joseph William Bazalgette, C.B., being requested by the Local Government Board to report as to the said works of drainage and water supply, and their value to the district, having regard to the insufficiency of the water supply which has been obtained, and other matters, reported that in certain events the present waterworks would become most valuable to the Epping rural sanitary authority, but that, having regard to the difficulties of the case, and to the works of drainage remaining to be done, it appeared to him that the justice of the case would be met if the rural sanitary authority were charged with about one fourth of the cost of the works of water supply and two thirds of the cost of the drainage works, that is to say, five thousand pounds:

And whereas the Commissioners of Her Majesty's Treasury by a letter dated the thirty-first day of December one thousand eight hundred and seventy-five, offered the rural sanitary authority of the Epping union as a compromise to remit so much of the said debt as was in excess of the said sum of five thousand pounds:

And whereas such offer, when communicated by the Local Government Board to the rural sanitary authority, was rejected by that authority, and legal proceedings were taken by the Public Works Loan Commissioners to compel that

authority to pay the instalments of and interest on part of the said debt, and the High Court of Justice ordered the said authority to pay the same: A.D. 1878

And whereas the rural sanitary authority subsequently requested the Commissioners of Her Majesty's Treasury to renew the offer of the above-mentioned compromise on the ground that the sums required to be levied to repay the debt would be very oppressive if not ruinous to the ratepayers, and that the works were to a great extent useless, and the said Commissioners offered the same compromise on condition that the rural sanitary authority should, in addition to the said sum of five thousand pounds, pay interest thereon at the rate of four per cent. per annum from the first day of January one thousand eight hundred and seventy-six, and such further sum as might be necessary to cover the expenses entailed upon the Public Works Loan Commissioners by the refusal to accept the former offer:

And whereas the said interest and expenses amount to six hundred and twenty pounds, making a total of five thousand six hundred and twenty pounds, and the Commissioners of Her Majesty's Treasury have further agreed to permit the total sum of five thousand six hundred and twenty pounds, with interest at four per cent. per annum from the first day of January one thousand eight hundred and seventy-eight, to to be paid by twenty equal annual instalments, the first instalment to be paid on the thirty-first day of December one thousand eight hundred and seventy-eight:

And whereas it is expedient to authorise the Public Works Loan Commissioners and the rural sanitary authority to carry into effect the said compromise: Be it therefore enacted as follows:

The rural sanitary authority of Epping union, in the county of Essex, shall pay to the Public Works Loan Commissioners the sum of five thousand six hundred and twenty pounds, with interest thereon at four per cent. per annum from the first day of January one thousand eight hundred and seventy-eight, and shall pay the same sum and interest by twenty annual instalments of four hundred and thirteen pounds ten shilling and sevenpence, such instalments to be paid on the thirty-first day of December in the year one thousand eight hundred and seventy-eight, and in each succeeding year up to and including the year one thousand eight hundred and ninety-seven, and the said rural sanitary authority shall pay the said instalments out of any moneys or rates out of which they are authorised to defray special expenses incurred by them in relation to the said special

A.D. 1878 drainage district under the Public Health Act, 1875, and shall from time to time raise such sums and issue precepts for such contributions as may be required for the purpose, and the overseers to whom those precepts are issued shall comply therewith, either by paying the amount out of the funds in their hands applicable to special expenses in relation to the said special drainage district or by levying on the said district such rates as may be necessary for the purpose, and the precepts so issued and any rate levied to meet the same shall for all purposes be deemed to be issued and levied in respect of special expenses incurred by the said rural sanitary authority in relation to the said district, and may be enforced accordingly, and the payment of the said yearly instalments of four hundred and thirteen pounds ten shillings and sevenpence shall be enforceable by the Public Works Loan Commissioners in the same manner in all respects as if the said rural sanitary authority had executed a legal mortgage to the Public Works Loan Commissioners of the rates of the said special drainage district for securing the repayment of the said sum of five thousand six hundred and twenty pounds, with interest at the rate aforesaid, by the instalments herein-before mentioned, and after the commencement of this Act the said debt of eleven thousand nine hundred pounds, with all interest due thereon, shall be extinguished.

38 & 39 Vict. c. 55.

Amendment of 38 & 39 Vict. c. 89. s. 36 as to examination into proper application of loan advanced on rates.

4. Whereas by section thirty-six of the Public Works Loans Act, 1875, the Local Government Board are required to satisfy themselves that any loan advanced by the Public Works Loan Commissioners on the security of a rate is applied to the purpose for which it is advanced, and are authorised to appoint any officer to conduct on their behalf such examination as they may think necessary with a view to ascertaining that the loan has been so applied, and it is expedient to make further provision with respect to the powers of the Local Government Board for the purposes of the said section: Be it therefore enacted as follows:

38 & 39 Vict. c. 89.

Where upon any examination made in pursuance of section thirty-six of the Public Works Loans Act, 1875, with reference to a loan advanced by the Public Works Loan Commissioners for any purpose on the security of a rate, it appears to the Local Government Board that any sum, being the whole or part of the money raised by the loan, has not been applied for the said purpose, the Local Government Board may order that sum to be, within the time named in the order, applied either for the said purpose or towards the repayment to the Public Works Loan Commissioners of the principal of the Loan, or partly in one of such ways and

partly in the other, and further, if it appears to them that the sum, or any part thereof, has been applied for some purpose other than that for which it was advanced, may by the same or any other order direct a sum equal to the amount so misapplied to be raised within the time and out of the fund or rate named in the order and to be applied as directed by the above-mentioned order.

An order made by the Local Government Board in pursuance of this section may be enforced by writ of Mandamus.

Cancellation of debt due in respect of Wigan Church.

5. Whereas on the eighth day of October one thousand eight hundred and forty-nine, a loan of four thousand five hundred and forty pounds was advanced by the Public Works Loan Commissioners, in pursuance of the Acts relating to loans by those Commissioners, towards the re-building of the parish church of All Saints in the parish of Wigan, in the county of Lancaster, and was to be repaid, with interest at the rate of four per cent. per annum, by equal annual instalments of two hundred and twenty-seven pounds, in twenty years from the aforesaid date:

And whereas the said loan was charged upon the church rates of the said parish of Wigan:

And whereas four of the said annual instalments only were repaid, amounting to the sum of nine hundred and eight pounds, and the remainder of the principal sum and large arrears of interest remain due and unpaid:

And whereas in the year one thousand eight hundred and sixty-seven proceedings were taken to enforce payment of the said principal and interest of the said loan, and in the year one thousand eight hundred and seventy-six judgment was finally delivered in the House of Lords, whereby it was declared that in consequence of the lapse of time and change of circumstances the churchwardens and the church rates of the parish of Wigan were no longer liable to repay the said principal and interest, and it is expedient expressly to cancel the said loan in the books of the Public Works Loan Commissioners: Be it therefore enacted as follows:

So much of the loan advanced by the Public Works Loan Commissioners to the churchwardens of the parish of Wigan, in the county of Lancaster, in the year one thousand eight hundred and forty-nine, as remains unpaid, and all arrears of interest due thereon, are hereby cancelled.

Repeal of obligation of the Public Works

6. So much of any Act as requires the Public Works Loan Commissioners to take in respect of any loan advanced by them under that Act in preference to any other securities, all or such one or more of the securities issuable under the

A.D. 1878 Local Loans Act, 1875, as they may prefer, is hereby repealed, and the security for any such loan may be given and taken under and pursuant to the Public Works Loans Act, 1875.

Loan Commissioners to take securities under 38 & 39 Vict. c. 83.

PART II.

Public Works Commissioners, Ireland.

38 & 39 Vict. c. 89.

Grant of 800,000*l.* for loan by Commissioners of Public Works in Ireland during the period ending the 30th of June 1879.

40 & 41 Vict. c. 27.

7. For the purpose of loans by the Commissioners of Public Works in Ireland, any sum or sums not exceeding in the whole eight hundred thousand pounds may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by Part Two of the Public Works Loans (Ireland) Act, 1877, during the period ending on the thirtieth day of June one thousand eight hundred and seventy-nine, or on any earlier day on which a further Act authorising the issue of money for those loans comes into operation.

The Treasury may, in the manner and subject to the limitations provided by Part Two of the said Act, borrow the said sum or any part thereof.

CHAPTER 19.

An Act to amend the Matrimonial Causes Act.—[27*th May* 1878.]

CHAPTER 20.

An Act to provide for returns respecting Continuous Brakes in use on Passenger Trains on Railways.—[17*th June* 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Railway Returns (Continuous Brakes) Act, 1878.

Returns to be made twice a year by railway

2. Every railway company shall twice in every year make to the Board of Trade returns respecting the use of continuous brakes on the passenger trains running on the railways worked by such company.

companies to Board of Trade respecting continuous brakes.

The returns shall contain the particulars and be in the form specified in the schedule to this Act, or shall contain such other particulars and be in such other form as the Board of Trade from time to time prescribe; and the Board of Trade may in any case dispense with any part of the returns where they deem the same inapplicable.

The returns shall be made for the six months ending on the last day of December and the last day of June in every year, or on such other days as the Board of Trade from time to time direct, and shall be made within fourteen days after the expiration of each six months.

Every return shall be signed by the officer of the company responsible for the correctness of the return, and by the chairman or deputy chairman of the directors of the company, or where there are no directors by the individual or one of the individuals bound to make the return.

Any railway company who fail to comply with this section shall be liable on summary conviction before a court of summary jurisdiction to a fine not exceeding five pounds for every day during which the default continues.

Any person who makes or is privy to the making of a return under this Act which is to his knowledge false in any particular shall be liable on summary conviction before a court of summary jurisdiction to a fine not exceeding fifty pounds.

34 & 35 Vict. c. 78.

Expressions in this Act have the same meaning as they have in the Regulation of Railways Act, 1871.

SCHEDULE.

FORMS OF RETURN.

RETURN for the Six Months ending on the day of 18 of the Amount and Description of Continuous Brake Power in use on the Passenger Trains running on the railways worked by the Railway Company.

Name of Railway Company.	Name and Description of Brake or Brakes adopted by the Company and in use on Passenger Trains on Lines worked by them.	(1.) Whether the Brakes are instantaneous in action and capable of being applied by engine driver and guards. (2.) Whether self-acting. (3.) Whether capable of being applied to every vehicle of a train. (4.) Whether in regular use in daily working. (5.) Whether the materials employed are of a durable character, easily maintained and kept in order.	Amount of Stock fitted with Continuous Brakes.			Amount of Stock NOT fitted with Continuous Brakes.		Amount of Stock fitted during the above Six Months.		Special rules under which the Continuous Brakes are worked.
			Number of Engines and Tenders used for Passenger Trains.	Number of Vehicles.		Number of Engines and Tenders used for Passenger Trains.	Number of Passenger Carriages and other Vehicles used for Passenger Trains.	Number of Engines and Tenders used for Passenger Trains.	Number of Passenger Carriages and other Vehicles used for Passenger Trains.	
				Passenger Carriages.	Other Vehicles used for Passenger Trains.					

RETURN for the Six Months ending on the day of 18 of all cases in which Continuous Brakes have, from any cause, failed to act when required to be brought into action on any railway worked by the Railway Company. A.D. 1878

Name of Railway Company.	Name or description of Brake which failed in being brought into use.	Date of Failure.	Particulars of circumstances relating to the causes of failure.

RETURN for the Six Months ending on the day of 18 of all cases in which Continuous Brakes have not been used on any Passenger Train running on a railway worked by the Railway Company.

Name of Railway Company.	Name of Railway worked by Company on which Passenger Train ran without Continuous Brake.	Number of Passenger Trains so run.

CHAPTER 21.

(CONSOLIDATED FUND, No. 3.)

An Act to apply the sum of seven million five hundred thousand pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine.—[17*th June* 1878.]

Sect. 1. Issue of £7,500,000 out of the Consolidated Fund for the service of the year ending 31st March 1879.

Sect. 2. Power to the Treasury to borrow.

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CHAPTER 22.

(EXCHEQUER BONDS, No. 2.)

An Act to raise the sum of one million five hundred thousand pounds by Exchequer Bonds for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine.—[17*th June* 1878.]

Sect. 1. Treasury may raise £1,500,000 by Exchequer Bonds.
Sect. 2. Payment of interest and repayment of principal.
Sect. 3. Payment of money raised into Exchequer.
Sect. 4. Extension of 29 & 30 Vict. c. 25. as to forgery, &c., to bonds.

CHAPTER 23.

An Act to remove doubts concerning the due acknowledgment of Deeds by Married Women in Ireland in certain cases.—[17*th June* 1878.]

CHAPTER 24.

An Act to amend the Public Works Loans (Ireland) Act, 1877, *as far as relates to Lunatic Asylums.*—[4*th July* 1878.]

CHAPTER 25.

An Act to amend the Public Health Act, 1875, *so far as relates to the supply of Water.*—[4*th July* 1878.] (*England.*)

CHAPTER 26.

A.D. 1878

PARLIAMENTARY AND MUNICIPAL REGISTRATION.

An Act to amend the Law relating to the Registration of Voters in Parliamentary Boroughs and the Enrolment of Burgesses in Municipal Boroughs, and relating to certain rights of voting and proceedings before and appeals from Revising Barristers.—[22*d July* 1878.]

Sect. 2. This Act shall not extend to Scotland or Ireland.

CHAPTER 27.

An Act to amend the Supreme Court of Judicature Act (Ireland), 1877.—[22*d July* 1878.]

CHAPTER 28.

An Act to further amend the Law of Entail in Scotland.—[22*d July* 1878.]

WHEREAS it is expedient further to amend the law of entail in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Obligations to tenants for improvements to devolve on the heir, to the relief of the executor. 38 & 39 Vict. c. 61.

1. All obligations undertaken, whether prior or subsequent to the passing of this Act, by an institute or heir in possession of an entailed estate in Scotland, in any lease granted by him as proprietor of such estate, or in any agreement with reference to such lease, for the execution by the proprietor, or with reference to the execution by the tenant, of any improvements of the description contained in the third section of the Entail Amendment (Scotland) Act, 1875, shall, in case of his death after the passing of this Act, and before complete fulfilment of such obligations, and to the extent to which, if he had himself made and paid for said improvements and had survived till payment is actually made, he would have been entitled to

A.D. 1878 charge them upon the estate (if the estate had been an entailed estate under the said Act), devolve upon the heirs succeeding to the estate after him, who shall in their order be bound to relieve his executors, or other personal representatives, of such obligations, so far as unfulfilled, and to repay to such executors, or other personal representatives, any sums of money which they may be called upon to pay and may have paid in virtue of such obligations: Provided that this enactment shall not apply to any case in which the granter of the obligation has in express terms, either in the obligation itself or in any separate writing, declared his intention to impose the obligation upon his executors to the relief of his heirs of entail.

Liabilities under other contracts for improvements to devolve on heir.

2. The heirs succeeding to such institute or heir in possession as aforesaid shall in like manner as above provided be bound, unless otherwise expressly directed by him, to relieve to the extent aforesaid his executors, or other personal representatives, of all liabilities which he may have undertaken in any contracts or agreements for or with reference to the execution of improvements of the description aforesaid on the mansion-house and offices of the entailed estate, or any other parts of the estate not under lease, and to repay to the extent aforesaid to such executors or other personal representatives any sums of money which they may be called upon to pay and may have paid in virtue of such contracts or agreements.

Part of 38 & 39 Vict. c. 61. to apply to entails dated on or after 1 Aug. 1848.

3. The provisions of the seventh, eighth, ninth, tenth, and eleventh sections of the Entail Amendment (Scotland) Act, 1875, shall be applicable to entailed estates in Scotland holden under tailzies dated on or after the first day of August one thousand eight hundred and forty-eight, subject to the provision following; (that is to say,)

The provisions of the seventh and eighth sections of the said Act shall be applicable only in regard to improvements executed after the date of the application to the Court in terms of the said Act.

Part of 38 & 39 Vict. c. 61. to apply to expenditure under this Act.

4. The provisions of the seventh, eighth, and eleventh sections of the Entail Amendment (Scotland) Act, 1875, as amended by this Act, shall be applicable to moneys paid by an institute or heir of entail under the provisions of this Act in respect of improvements on the entailed estate.

Construction of Act.

5. This Act shall be read and construed as one with the Entail Amendment (Scotland) Act, 1875.

Short title.

6. This Act may be cited for all purposes as the Entail Amendment (Scotland) Act, 1878.

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CHAPTER 29.

(MONUMENTS, METROPOLIS.)

An Act for conferring powers upon the Metropolitan Board of Works with respect to the Obelisk known as Cleopatra's Needle, and other Monuments.—[22*d July* 1878.]

CHAPTER 30.

An Act to alter the time of electing Commissioners under the General Police and Improvement (Scotland) Act, 1862.—[22*d July* 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction of Act.

1. This Act may be cited as the General Police and Improvement (Scotland) Amendment Act, 1878, and shall be construed as one with the General Police and Improvement (Scotland) Act, 1862, and any Acts amending the same.

25 & 26 Vict. c. 101.

Repeal of ss. 50 and 51 of 25 & 26 Vict. c. 101.

2. Sections fifty and fifty-one of the principal Act are hereby repealed, and in lieu thereof the provisions contained in the two following sections of this Act shall have effect in regard to the election and rotation of Commissioners under the principal Act.

One third of Commissioners to be elected annually.

3. One third of the Commissioners, or where the burgh is divided into wards one third of the Commissioners for each ward, shall, save as herein-after provided, go annually out of office on the first Tuesday of November in each year, and on the first Tuesday of November annually the places of the Commissioners going out of office shall be supplied by an equal number of new Commissioners, to be elected from among the householders of the burgh under all the rules, regulations, and provisions now in force applicable to a first election under the principal Act, and the like notice of such annual election shall be given as is in the principal Act directed to be given of such first election of Commissioners: Provided always, that where the first election of Commissioners under the principal Act shall take place on or after the first day of May in any

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year no Commissioner shall go out of office and no second election of Commissioners shall take place until the first Tuesday of November in the year succeeding that in which the first election took place: Provided also, that no Commissioner or magistrate of police in office at the passing of this Act shall go out of office until the first Tuesday of November following.

Rotation of Commissioners.

4. The third of the Commissioners who shall go out of office at the second election of Commissioners under the principal Act as amended by this Act shall consist of the Commissioners who at the first election under the principal Act had the smallest number of votes, and where the burgh is divided into wards of the Commissioners who at the said first election in each ward had the smallest number of votes in such ward; and the Commissioners who shall go out of office at the third election of Commissioners under the principal Act as amended by this Act shall consist of the Commissioners who at the first election had the next smallest number of votes, and where the burgh is divided into wards of the Commissioners who at the said first election in each ward had the next smallest number of votes in such ward; and thereafter the third of the Commissioners who shall annually go out of office shall consist of the Commissioners who have been longest in office: Provided always, that in any case where Commissioners shall have been elected without a poll or where there shall have been an equality of votes the Commissioners shall decide at a meeting convened for the purpose which Commissioners elected without a poll or having an equality of votes shall go out of office: Provided also, that the senior magistrate of police shall always remain in office for three years after his election as such senior magistrate, and for that purpose he shall be held to have had the largest number of votes at the said first election, and to have been the shortest period in office at all elections subsequent to the third election under the principal Act as amended by this Act.

CHAPTER 31.

(Bills of Sale.)

An Act to consolidate and amend the Law for preventing Frauds upon Creditors by secret Bills of Sale of Personal Chattels.—[22*d July* 1878.]

Sect. 24. This Act shall not extend to Scotland or to Ireland.

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CHAPTER 32.

(METROPOLIS MANAGEMENT AND BUILDING.)

An Act to amend the Metropolis Management Act, 1855, *the Metropolitan Building Act,* 1855, *and the Acts amending the same respectively.*—[22*d July* 1878.]

DENTISTS ACT, 1878.

[41 & 42 VICT. CH. 33.]

ARRANGEMENT OF SECTIONS.

Section.
1. Short title.
2. Interpretation.

Registration.

3. Penalty on unregistered persons using title of "dentist," &c.
4. Provision as to offence of unregistered person taking name, &c., and as to offence of person taking title he does not possess.
5. Privileges of registered persons.
6. Qualification necessary for registration.
7. Registration of persons in dentists register.
8. Registration of colonial dentist with recognised certificate.
9. Registration of foreign dentist with recognised certificate.
10. Recognised certificates of colonial and foreign dentist.
11. Contents and form of dentists register, and other provisions as to register.
12. Correction of dentists register.
13. Erasing from dentists register name of practitioner convicted of crime or guilty of disgraceful conduct.
14. Restoration of name to dentists register.
15. Committee of General Council for purpose of erasure from and restoration to the register.
16. Fees.
17. Orders of General Council.

Examinations.

18. Examinations in dental surgery.
19. Board of examiners.
20. Fees for examination.
21. Continuance of examination in dental surgery by Royal College of Surgeons of England.
22. General Council may require information as to examinations.
23. Representation to Privy Council of defects in examination.
24. Powers of Privy Council, on representation, to make order.
25. Consequences of order.
26. Privy Council may prohibit attempts to impose restrictions as to any theory of dentistry by bodies entitled to grant certificates.

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27. Saving as to registration under 21 & 22 Vict. c. 90.
28. Provision for conduct of examinations by medical boards, if established.

Supplemental.

29. Evidence of registration.
30. Exemptions of registered persons.
31. Exercise of powers by Privy Council.
32. Application of fees.
33. Accounts to be published.
34. Penalty on wilful falsification of registers.
35. Penalty for obtaining registration by false representations.
36. Notice of death of practitioners.
37. Provision for certain students.
38. Byelaws.
39. Services of notices by post.
40. Recovery of penalties.
SCHEDULE.

CHAPTER 33.

An Act to amend the Law relating to Dental Practitioners.—[22*d July* 1878.]

WHEREAS it is expedient that provision be made for the registration of persons specially qualified to practise as dentists in the United Kingdom, and that the law relating to persons practising as dentists be otherwise amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may for all purposes be cited as the Dentists Act, 1878.

Interpretation.

21 & 22 Vict. c. 90.

2. In this Act "General Council" means the General Council of Medical Education and Registration of the United Kingdom, established under the Medical Act, 1858; and "Branch Council" means a branch of the said council as constituted by the same Act:

"General registrar" means the person appointed to be the registrar by the General Council, and "local registrar" means the registrar appointed by a branch council under the Medical Act, 1858:

"British possession" means any part of Her Majesty's dominions exclusive of the United Kingdom:

"Medical authorities" means the bodies and universities who choose members of the General Council.

Registration.

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3. From and after the first day of August one thousand eight hundred and seventy-nine, a person shall not be entitled to take or use the name or title of "dentist" (either alone or in combination with any other word or words), or of "dental practitioner," or any name, title, addition, or description implying that he is registered under this Act or that he is a person specially qualified to practise dentistry, unless he is registered under this Act. Penalty on unregistered persons using title of "dentist," &c.

Any person who, after the first day of August one thousand eight hundred and seventy-nine, not being registered under this Act, takes or uses any such name, title, addition, or description as aforesaid, shall be liable, on summary conviction, to a fine not exceeding twenty pounds; provided that nothing in this section shall apply to legally qualified medical practitioners.

4. With respect to the offence of a person not registered under this Act taking or using any name, title, addition, or description as above in this Act mentioned, the following provisions shall have effect: Provision as to offence of unregistered person taking name, &c., and as to offence of person taking title he does not possess.

(1.) He shall not be guilty of an offence under this Act—

(*a.*) If he shows that he is not ordinarily resident in the United Kingdom and that he holds a qualification which entitles him to practise dentistry or dental surgery in a British possession or foreign country, and that he did not represent himself to be registered under this Act; or,

(*b.*) If he shows that he has been registered and continues to be entitled to be registered under this Act, but that his name has been erased on the ground only that he has ceased to practise.

(2.) A prosecution for such offence shall be instituted only as herein-after mentioned.

If a person takes or uses the designation of any qualification or certificate in relation to dentistry or dental surgery which he does not possess, he shall be liable, on summary conviction on such prosecution as herein-after mentioned, to a fine not exceeding twenty pounds.

A prosecution for any of the offences above in this Act mentioned shall not be instituted by a private person, except with the consent of the General Council or of a branch council, but may be instituted by the General Council, by a branch

A.D. 1878 council, or by a medical authority, if such Council or authority think fit.

Privileges of registered persons.

5. A person registered under this Act shall be entitled to practise dentistry and dental surgery in any part of Her Majesty's dominions, and from and after the first day of August one thousand eight hundred and seventy-nine a person shall not be entitled to recover any fee or charge, in any court, for the performance of any dental operation or for any dental attendance or advice, unless he is registered under this Act or is a legally qualified medical practitioner.

Qualification necessary for registration.

6. Any person who—

(*a.*) Is a licentiate in dental surgery or dentistry of any of the medical authorities; or,

(*b.*) Is entitled as herein-after mentioned to be registered as a foreign or colonial dentist; or,

(*c.*) Is at the passing of this act bonâ fide engaged in the practice of dentistry or dental surgery, either separately or in conjunction with the practice of medicine, surgery, or pharmacy,

shall be entitled to be registered under this Act.

Registration of persons in dentists register.

7. Where a person entitled to be registered under this Act produces or sends to the general registrar the document conferring or evidencing his licence or qualification, with a statement of his name and address, and the other particulars, if any, required for registration, and pays the registration fee, he shall be registered in the dentists register.

Provided that a person shall not be registered under this Act as having been at the passing thereof engaged in the practice of dentistry unless he produces or transmits to the registrar, before the first day of August one thousand eight hundred and seventy-nine, information of his name and address and a declaration signed by him in the form in the schedule to this Act or to the like effect; and the registrar may, if he sees fit, require the truth of such declaration to be affirmed in manner provided by the Act of the session held in the fifth and sixth years of the reign of King William the Fourth, chapter sixty-two, intituled "An Act to repeal an Act of the present session " of Parliament, intituled 'An Act for the more effectual aboli- " ' tion of oaths and affirmations taken and made in various " ' departments of the State, and to substitute declarations in " ' lieu thereof, and for the more entire suppression of voluntary " ' and extra-judicial oaths and affidavits;' and to make other " provisions for the abolition of unnecessary oaths."

5 & 6 W. 4. c. 62.

A person resident in the United Kingdom shall not be disqualified for being registered under this Act by reason that he is not a British subject; and a British subject shall not be dis-

qualified for being registered under this Act by reason of his being resident or engaged in practice beyond the limits of the United Kingdom. A.D. 1878

Registration of colonial dentist with recognised certificate.

8. Where a person who either is not domiciled in the United Kingdom, or has practised for more than ten years elsewhere than in the United Kingdom, or in the case of persons practising in the United Kingdom at the time of the passing of this Act for not less than ten years either in the United Kingdom or elsewhere, shows that he holds some recognised certificate (as herein-after defined) granted in a British possession, and that he is of good character, such person shall upon payment of the registration fee be entitled, without examination in the United Kingdom, to be registered as a colonial dentist in the dentists register.

Registration of foreign dentist with recognised certificate.

9. Where a person who is not a British subject, or who has practised for more than ten years elsewhere than in the United Kingdom, or in the case of persons practising in the United Kingdom at the time of the passing of this Act for not less than ten years either in the United Kingdom or elsewhere, shows that he obtained some recognised certificate (as herein-after defined) granted in a foreign country, and that he is of good character, and either continues to hold such certificate, or has not been deprived thereof for any cause which disqualifies him for being registered under this Act, such person shall upon payment of the registration fee be entitled, without examination in the United Kingdom, to be registered as a foreign dentist in the dentists register.

Recognised certificates of colonial and foreign dentist.

10. The certificate granted in a British possession or in a foreign country, which is to be deemed such a recognised certificate as is required for the purposes of this Act, shall be such certificate, diploma, membership, degree, licence, letters, testimonial, or other title, status, or document, as may be recognised for the time being by the General Council as entitling the holder thereof to practise dentistry or dental surgery in such possession or country, and as furnishing sufficient guarantees of the possession of the requisite knowledge and skill for the efficient practice of dentistry or dental surgery.

If a person is refused registration as a colonial dentist or as a foreign dentist, the general registrar shall, if required by him, state in writing the reason for such refusal, and if such reason be that the certificate held or obtained by him is not such a recognised certificate as above defined, such person may appeal to the Privy Council, and the Privy Council, after hearing the General Council, may dismiss the appeal or may order the General Council to recognise such certificate, and such order shall be duly obeyed.

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Contents and form of dentist register, and other provisions as to register.

11. (1.) A register shall be kept by the general registrar to be styled the dentists register; and that register shall—

(*a.*) Contain in one alphabetical list all United Kingdom dentists, that is to say, all persons who are registered under this Act as having been at the passing thereof engaged in the practice of dentistry or dental surgery, and all persons who are registered as licentiates in dentistry or dental surgery of any of the medical authorities of the United Kingdom; and,

(*b.*) Contain in a separate alphabetical list all such colonial dentists as are registered in pursuance of this Act; and,

(*c.*) Contain in a separate alphabetical list all such foreign dentists as are registered in pursuance of this Act.

(2.) The dentists register shall contain the said lists made out alphabetically according to the surnames, and shall state the full names and addresses of the registered persons, the description and date of the qualifications in respect of which they are registered, and, subject to the provisions of this Act, shall contain such particulars and be in such form as the General Council from time to time direct.

(3.) The General Council shall cause a correct copy of the dentists register to be from time to time and at least once a year printed under their direction, and published and sold, which copy shall be admissible in evidence.

(4.) The dentists register shall be deemed to be in proper custody when in the custody of the general registrar, and shall be of such a public nature as to be admissible as evidence of all matters therein on its mere production from that custody.

(5.) Every local registrar shall keep such register and perform such duties in relation to registration under this Act as the General Council from time to time direct, and receive such remuneration out of the registration fees as the General Council assign him.

Every registrar shall in all respects in the execution of his discretion and duty in relation to any register under this Act, conform to any orders made by the General Council under this Act, and to any special directions given by the General Council.

(6.) The General Council may, if they think fit, from time to time make, and when made, revoke and vary, orders for the registration in (on payment of the fee fixed by the orders) and the removal from the dentists register of any additional diplomas, memberships, degrees, licences, or letters held by a person registered therein, which appear to the Council to be granted after examination by any of the medical authorities

in respect of a higher degree of knowledge than is required to obtain a certificate of fitness under this Act. A.D. 1878

12. (1.) The general registrar shall from time to time insert in the dentists register any alteration which may come to his knowledge in the name or address of any person registered. Correction of dentists register.

(2.) The general registrar shall erase from the dentists register the name of every deceased person.

(3.) The general registrar may erase from the dentists register the name of a person who has ceased to practise, but not (save as herein-after provided) without the consent of that person; and the general registrar may send by post to a person registered in the dentists register a notice inquiring whether or not he has ceased to practise, or has changed his residence; and if the general registrar does not, within three months after sending the notice, receive any answer thereto from the said person, he may, within fourteen days after the expiration of the three months, send him by post in a registered letter another notice, referring to the first notice, and stating that no answer thereto has been received by the registrar, and if the general registrar either before the second notice is sent receives the first notice back from the dead letter office of the Postmaster General, or receives the second notice back from that office, or does not within three months after sending the second notice receive any answer thereto from the said person, that person shall, for the purpose of the present section, be deemed to have ceased to practise, and his name may be erased accordingly.

(4.) In the execution of his duties the general registrar shall act on such evidence as in each case appears sufficient.

13. The General Council shall cause to be erased from the dentists register any entry which has been incorrectly or fraudulently made. Erasing from dentists register name of practitioner convicted of crime or guilty of disgraceful conduct.

Where a person registered in the dentists register has, either before or after the passing of this Act, and either before or after he is so registered, been convicted either in Her Majesty's dominions or elsewhere of an offence which, if committed in England, would be a felony or misdemeanor, or been guilty of any infamous or disgraceful conduct in a professional respect, that person shall be liable to have his name erased from the register.

The General Council may, and upon the application of any of the medical authorities shall, cause inquiry to be made into the case of a person alleged to be liable to have his name erased under this section, and, on proof of such conviction or of such infamous or disgraceful conduct, shall cause the name of such person to be erased from the register:

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Provided that the name of a person shall not be erased under this section on account of his adopting or refraining from adopting the practice of any particular theory of dentistry or dental surgery, nor on account of a conviction for a political offence out of Her Majesty's dominions, nor on account of a conviction for an offence which, though within the provisions of this section, does not, either from the trivial nature of the offence or from the circumstances under which it was committed, disqualify a person for practising dentistry.

Any name erased from the register in pursuance of this section shall also be erased from the list of licentiates in dental surgery or dentistry of the medical authority of which such person is a licentiate.

Restoration of name to dentists register.

14. Where the General Council direct the erasure from the dentists register of the name of any person, or of any other entry, the name of that person, or that entry, shall not be again entered in the register, except by direction of the General Council, or by order of a court of competent jurisdiction.

If the General Council think fit in any case, they may direct the general registrar to restore to the dentists register any name or entry erased therefrom, either without fee or on payment of such fee, not exceeding the registration fee, as the General Council from time to time fix, and the registrar shall restore the same accordingly.

The name of any person erased from the dentists register at the request of such person or with his consent shall, unless it might, if not so erased, have been erased by order of the General Council, be restored to the register on his application, on payment of such fee not exceeding the registration fee as the General Council from time to time fix.

Where the name of a person restored to the register in pursuance of this section has been erased from the list of licentiates in dental surgery or dentistry of any medical authority, that name shall be restored to such list of licentiates.

Committee of General Council for purpose of erasure from and restoration to the register.

15. The General Council shall for the purpose of exercising in any case the powers of erasing from and of restoring to the dentists register the name of a person or an entry, ascertain the facts of such case by a committee of their own body, not exceeding five in number, of whom the quorum shall be not less than three, and a report of the Committee shall be conclusive as to the facts for the purpose of the exercise of the said powers by the General Council.

The General Council shall from time to time appoint and shall always maintain a committee for the purposes of this section, and subject to the provisions of this section may from time to time determine the constitution, and the

number and tenure of office of the members, of the committee. A.D. 1878

The committee from time to time shall meet for the despatch of business, and subject to the provisions of this section, and of any regulations from time to time made by the General Council, may regulate the summoning, notice, place, management, and adjournment of such meetings, the appointment of a chairman, the mode of deciding questions, and generally the transaction and management of business, including the quorum, and if there is a quorum the committee may act notwithstanding any vacancy in their body. In the case of any vacancy the committee may appoint a member of the General Council to fill the vacancy until the next meeting of that Council.

A committee under this section may, for the purpose of the execution of their duties under this Act, employ at the expense of the Council such legal or other assessor or assistants as the committee think necessary or proper.

Fees.

16. There shall be payable in respect of the registration of any person who, before the first day of January one thousand eight hundred and seventy-nine, applies to be registered under this Act, a fee not exceeding two pounds; and in respect of the registration of any person who after that day applies to be registered, a fee not exceeding five pounds.

Orders of General Council.

17. Subject to the provisions of this Act, the General Council may from time to time make, alter, and revoke such orders and regulations as they see fit for regulating the general register and the local registers, and the practice of registration under this Act, and the fees to be paid in respect thereof.

Examinations.

Examinations in dental surgery.

18. Notwithstanding anything in any Act of Parliament, charter, or other document, it shall be lawful for any of the medical authorities (herein-after referred to as colleges or bodies) who have power for the time being to grant surgical degrees, from time to time to hold examinations for the purpose of testing the fitness of persons to practise dentistry or dental surgery who may be desirous of being so examined, and to grant certificates of such fitness; and any person who obtains such a certificate from any of those colleges or bodies shall be a licentiate in dental surgery or dentistry of such college or body, and his name shall be entered on a list of such licentiates to be kept by such college or body.

Each of the said colleges or bodies shall admit to the examinations held by them respectively under this section any person desirous of being examined who has attained the age of

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Board of examiners.

19. Subject to the provisions herein-after contained with reference to a medical board, the council or other the governing body of the Royal College of Surgeons of Edinburgh, and of the Faculty of Physicians and Surgeons of Glasgow, and of the Royal College of Surgeons in Ireland, and of any university in the United Kingdom respectively, may from time to time appoint a board of examiners for the purpose of conducting the examinations and granting the certificates herein-before mentioned.

Each of such boards shall be called the Board of Examiners in Dental Surgery or Dentistry, and shall consist of not less than six members, one half of whom at least shall be persons registered under this Act, and such registration shall (notwithstanding anything in any Act of Parliament, charter, or other document) be deemed the only qualification necessary for the membership of such board.

The persons appointed by each such council or other governing body shall continue in office for such period, and shall conduct the examinations in such manner, and shall grant certificates in such form, as such council or other governing body may from time to time, by byelaws or regulations, respectively direct.

A casual vacancy in any such board of examiners may be filled by the council or other governing body which appointed such board, but the person so appointed shall be qualified as the person in whose stead he is appointed was qualified, and shall hold office for such time only as the person in whose stead he is appointed would have held office.

Fees for examination.

20. Such reasonable fees shall be paid for the certificates to be granted under this Act by the board of examiners of the Royal College of Surgeons of Edinburgh, the Faculty of Physicians and Surgeons of Glasgow, and of the Royal College of Surgeons in Ireland, and of any such university as aforesaid respectively, as the council or other the governing body of each of those colleges or bodies may from time to time, by byelaws or regulations, respectively direct.

Continuance of examination in dental surgery by Royal College of Surgeons of England.

21. The Royal College of Surgeons of England shall continue to hold examinations and to appoint a board of examiners in dentistry or dental surgery for the purpose of testing the fitness of persons to practise dentistry or dental surgery who may be desirous of being so examined, and to grant certificates of such fitness, subject and according to the provisions of their charter dated the eighth day of September one thousand eight hundred and fifty-nine, and the byelaws made, or to be made, in pursu-

ance thereof; and any person who obtains such a certificate shall be a licentiate in dental surgery of the said college, and his name shall be entered on a list of such licentiates to be kept by the said college. A.D. 1878

General Council may require information as to examinations.

22. Every medical authority shall from time to time, when required by the General Council, furnish such Council with such information as such Council may require as to the course of study and examinations to be gone through in order to obtain such certificates as are in this Act mentioned, and generally as to the requisites for obtaining such certificates; and any member or members of the General Council, or any person or persons deputed for this purpose by such Council, or by any branch council, may attend and be present at any such examinations.

Representation to Privy Council of defects in examination.

23. Where it appears to the General Council that the course of study and examinations to be gone through in order to obtain such certificate as in this Act mentioned from any of the said colleges or bodies are not such as to secure the possession by persons obtaining such certificate of the requisite knowledge and skill for the efficient practice of dentistry or dental surgery, the General Council may represent the same to Her Majesty's Privy Council.

Powers of Privy Council, on representation, to make order.

24. The Privy Council, on any representation made as aforesaid, may, if they see fit, order that a certificate granted by any such college or body after such time as may be mentioned in the order shall not confer any right to be registered under this Act.

Any such order may be revoked by the Privy Council on its being made to appear to them, by further representation from the General Council or otherwise, that such college or body has made effectual provision, to the satisfaction of the General Council, for the improvement of such course of study or examination.

Consequences of order.

25. After the time mentioned in this behalf in any such Order in Council, no person shall be entitled to be registered under this Act in respect of a certificate granted by the college or body to which such order relates after the time therein mentioned, and the revocation of any such order shall not entitle any person to be registered in respect of a certificate granted before such revocation.

Privy Council may prohibit attempts to impose restrictions as to any

26. If it appears to the General Council that an attempt has been made by any medical authority to impose on any candidate offering himself for examination an obligation to adopt or refrain from adopting the practice of any particular theory of dentistry or dental surgery as a test or condition of admitting him to examination, or granting a certificate of fitness

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theory of dentistry by bodies entitled to grant certificates.

under this Act, the General Council may represent the same to the Privy Council, and the Privy Council may thereupon issue an injunction to the authority so acting directing them to desist from such practice, and in the event of their not complying therewith, then to order that such authority shall cease to have power to confer any right to be registered under this Act so long as they continue such practice.

Saving as to registration under 21 & 22 Vict. c. 90.

27. A certificate under this Act shall not confer any right or title to be registered under the Medical Act, 1858, in respect of such certificate, nor to assume any name, title, or designation implying that the person mentioned in the certificate is by law recognised as a licentiate or practitioner in medicine or general surgery.

Provision for conduct of examination by medical boards, if established.

21 & 22 Vict. c. 90.

28. In the event of a board being at any time after the passing of this Act established, whether under the name of a medical board or otherwise, for nominating on behalf of any two or more of the medical authorities examiners of persons desirous of practising medicine and surgery, whether such board (in this Act referred to as a medical board) is established under the Medical Act, 1858, or otherwise, a person shall not receive a certificate of fitness to practise as a dentist from any medical authority represented on such board, or, if such board is established for the whole of England, Scotland, or Ireland, shall not be entitled to be registered in respect of any certificate obtained in England, Scotland, or Ireland, as the case may be, unless he has obtained from such board a certificate that he has shown by examination that he is qualified to practise dentistry or dental surgery: Provided that one half at least of the examiners at any such examination shall be persons registered under this Act.

The medical board shall, in such manner as may be from time to time directed by the General Council, certify to the general registrar and to the medical authorities the persons who have shown by examination that they are qualified to practise dentistry or dental surgery, and every person so certified shall on application receive from the Royal College of Surgeons of England, or the Royal College of Surgeons of Edinburgh, or the Faculty of Physicians and Surgeons of Glasgow, or the Royal College of Surgeons of Ireland, a certificate of fitness constituting such person a licentiate in dental surgery or dentistry of such college or faculty.

If a medical authority certify to the general registrar the names and addresses of the persons who, having been so certified by a medical board, have received certificates from that authority, together with the other particulars required for the registration of such persons, the general registrar may, upon

payment of the registration fee, register every such person in the dentists register without application from that person. A.D. 1878

The General Council shall have the same power of making rules respecting the examination of persons desiring to obtain certificates of being qualified to practise dentistry or dental surgery as they have for the time being in respect of the examination of persons desiring to obtain a qualification to practise medicine and surgery, and there shall be the same right of appeal to the Privy Council against such rules.

The General Council and the Privy Council shall have the same control over the medical board, so far as regards the examination of persons desiring to practise dentistry or dental surgery, as they have as regards the examination of persons desiring to practise medicine and surgery, and shall have the same power of dismissing the members of such board.

The General Council may cause to be framed, and may approve, and when approved, submit to the Privy Council, a scheme to carry into effect the provisions of this Act with respect to a medical board, and rules respecting examinations, and for extending, with or without any exception or modification, to the examination of persons desirous of practising dentistry or dental surgery, the provisions of any Act for the time being in force with respect to the examination of persons desiring to practise medicine or surgery, and any such scheme when confirmed by the Privy Council shall have full effect.

Any such scheme may provide for the fees to be paid on admission to the examinations, and for the application of such fees for public purposes, and generally for such matters as appear to be necessary or proper for carrying into effect the scheme and regulating the examinations.

Supplemental.

Evidence of registration.

29. A copy of the register of dentists for the time being, purporting to be printed and published in pursuance of this Act, shall be evidence in all cases (until the contrary be made to appear) that the persons therein specified are registered according to the provisions of this Act; and the absence of the name of any person from such copy shall be evidence (until the contrary be made to appear) that such person is not registered according to the provisions of this Act: Provided that, in the case of any person whose name does not appear in such copy, a certified copy under the hand of the registrar of the General Council of the entry of the name of such person in the dentists register shall be evidence that such person is registered according to the provisions of this Act.

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Exemptions of registered persons.

30. Every person registered under this Act shall be exempt, if he so desires, from serving on all juries and inquests whatsoever, and from serving all corporate, parochial, ward, hundred, and township offices, and from serving in the militia; and the name of any registered person shall not be returned in any list of persons liable to serve in the militia or in any such office as aforesaid.

Exercise of powers by Privy Council.

31. The powers by this Act vested in the Privy Council may be exercised by any two or more of the Lords and others of Her Majesty's most honourable Privy Council.

Any order made by the Privy Council, or any appeal to them under this Act, may be made conditionally or unconditionally, and may contain such terms and directions as to the Privy Council seem just.

Application of fees.

32. All moneys arising from fees paid on registration or from the sale of copies of the registers, or otherwise received by the General Council under this Act, shall be applied, in accordance with such regulations as may be from time to time made by the General Council, in defraying the expenses of registration and the other expenses of the execution of this Act, and subject thereto, towards the support of museums, libraries, or lectureships, or for public purposes connected with the profession of dentistry or dental surgery, or towards the promotion of learning and education in connexion with dentistry or dental surgery.

Accounts to be published.

33. The treasurers of the General and Branch Councils shall enter in books to be kept for that purpose a true account of all sums of money by them received and paid under this Act; and such accounts shall be submitted by them to the General Council and Branch Councils respectively at such times as the councils may respectively require. Such accounts shall be published annually, and shall be laid before both Houses of Parliament in the month of March in every year, if Parliament be then sitting, or if Parliament be not sitting, then within one month after the commencement of the next sitting of Parliament.

Penalty on wilful falsification of registers.

34. Any registrar who wilfully makes or causes to be made any falsification in any matter relating to any register under this Act shall be deemed guilty of a misdemeanor in England or Ireland, and in Scotland of a crime or offence punishable by fine or imprisonment, and shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months.

Penalty for obtaining regis-

35. Any person who wilfully procures or attempts to procure himself to be registered under this Act, by making or producing, or causing to be made or produced, any false or

fraudulent representation or declaration, either verbally or in writing, and any person aiding and assisting him therein, shall be deemed guilty of a misdemeanor in England and Ireland, and in Scotland of a crime or offence punishable by fine or imprisonment, and shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months. A.D. 1878 — tration by false representations.

36. Every registrar of deaths in the United Kingdom, on receiving notice of the death of any person registered under this Act, shall forthwith transmit by post, to the registrar of the General Council and to the registrar of the Branch Council for that part of the United Kingdom in which the death occurs, a certificate under his own hand of such death, with the particulars of time and place of death, and may charge the cost of such certificate and transmission as an expense of his office. Notice of death of practitioners.

37. Any person who has been articled as a pupil and has paid a premium to a dental practitioner entitled to be registered under this Act in consideration of receiving from such practitioner a complete dental education, shall, if his articles expire before the first day of January one thousand eight hundred and eighty, be entitled to be registered under this Act as though he had been in bonâ fide practice before the passing of this Act: Moreover it shall be lawful for the General Council by special order to dispense with such of the certificates, examinations, or other conditions for registration in the dentists register required under the provisions of this Act, or under any byelaws, orders, or regulations made by its authority, as to them may seem fit, in favour of any dental students or apprentices who have commenced their professional education or apprenticeship before the passing of this Act. Provision for certain students.

38. All byelaws, orders, and regulations made by the General Council, or by any medical authority under the authority of this Act, shall be made and may be from time to time altered or revoked in such manner, and subject to such approval or confirmation (if any), as in the case of other byelaws, orders, or regulations made by such medical authority. Byelaws.

39. Subject to the other provisions of this Act, all notices and documents required by or for the purposes of this Act to be sent may be sent by post, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepaid, and properly addressed, and put into the post. Services of notices by post.

Such notices and documents may be in writing or in print, or partly in writing and partly in print, and when sent to the General Council, or a medical board, or a medical authority,

A.D. 1878 shall be deemed to be properly addressed if addressed to the General Council, medical board, or medical authority, or to some officer of such Council, board, or authority, at the principal office or place of business of such Council, board, or authority; and when sent to a person registered in the medical register, shall be deemed to be properly addressed if addressed to him according to his address registered in that register.

Recovery of penalties.

40. All fees under this Act may be recovered as ordinary debts due to the General Council, and all penalties under this Act may be recovered and enforced as follows, that is to say:—In England, before two or more justices of the peace, in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of "the duties of justices of the peace out of sessions within "England and Wales with respect to summary convictions "and orders," and any Act amending the same; and in Scotland, before the sheriff or sheriff substitute, or two justices, in manner provided by the Summary Procedure Act, 1864, and any Act amending the same; and in Ireland, within the police district of Dublin metropolis, in manner directed by the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere in Ireland, before two or more justices of the peace, in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

27 & 28 Vict. c. 53.

14 & 15 Vict. c. 93.

[The SCHEDULE.

The SCHEDULE.

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Section 7.

DECLARATION required to be made by a person who claims to be registered under the Dentists Act, 1878, on the ground that he was bonâ fide engaged in the practice of dentistry at the date of the passing of the Dentists Act, 1878.

I, , residing at , hereby declare that I was bonâ fide engaged in the practice of dentistry at , at the date of the passing of the Dentists Act, 1878.

(Signed)

(Witness)

Dated this day of 18

NOTE.—Any person who wilfully procures or attempts to procure himself to be registered under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding and assisting him therein, is liable under the Dentists Act, 1878, to imprisonment for twelve months.

CHAPTER 34.

An Act to amend the Law relating to Highways in South Wales.—[22*d July* 1878.]

CHAPTER 35.

(SUPREME COURT OF JUDICATURE, OFFICERS.)

An Act to extend for a further limited period Section thirty-four of the Supreme Court of Judicature Act, 1875.—[8*th August* 1878.]

A.D. 1878

CHAPTER 36.

An Act to continue for one year the Police (Expenses) Act, 1875.—[8th August 1878.]

38 & 39 Vict. c. 48.

WHEREAS by the Police (Expenses) Act, 1875, it is enacted that so much of any Act as limits the amount authorised to be contributed by the Commissioners of Her Majesty's Treasury out of moneys provided by Parliament towards the expenses of any police force in Great Britain to a particular amount, or a particular proportion of any annual sum or charge specified in such Act, shall, during the continuance of that Act, be repealed, and it was further enacted that that Act should continue in force until the first day of September one thousand eight hundred and seventy-six:

40 & 41 Vict. c. 58.

And whereas by the Police (Expenses) Continuance Act, 1877, the said Act was continued in force until the 1st day of September one thousand eight hundred and seventy-eight:

And whereas it is expedient that the said Act should be further continued for a period of one year:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as the Police (Expenses) Continuance Act, 1878.

Continuance of 38 & 39 Vict. c. 48. till 1st Sept. 1879.

2. The Police (Expenses) Act, 1875, shall continue in force till the first day of September one thousand eight hundred and seventy-nine.

CHAPTER 37.

(Metropolitan Board of Works, Money.)

An Act to further amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto.—[8th August 1878.]

CHAPTER 38.

A.D. 1878

An Act for the further relief of Innkeepers.—[*8th August* 1878.]

WHEREAS it is just and expedient to give, in addition to the present right of lien, a power of sale under certain circumstances to keepers of hotels, inns, and licensed public-houses upon and in respect of goods and chattels deposited with them or upon the tenements and premises occupied by them:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Landlord, &c. may dispose of goods left with him after six weeks.

1. The landlord, proprietor, keeper, or manager of any hotel, inn, or licensed public-house shall, in addition to his ordinary lien, have the right absolutely to sell and dispose by public auction of any goods, chattels, carriages, horses, wares, or merchandise which may have been deposited with him or left in the house he keeps, or in the coach-house, stable, stable-yard, or other premises appurtenant or belonging thereunto, where the person depositing or leaving such goods, chattels, carriages, horses, wares, or merchandise shall be or become indebted to the said innkeeper either for any board or lodging or for the keep and expenses of any horse or other animals left with or standing at livery in the stables or fields occupied by such innkeeper.

Provided that no such sale shall be made until after the said goods, chattels, carriages, horses, wares, or merchandise shall have been for the space of six weeks in such charge or custody or in or upon such premises without such debt having been paid or satisfied, and that such innkeeper, after having, out of the proceeds of such sale, paid himself the amount of any such debt, together with the costs and expenses of such sale, shall on demand pay to the person depositing or leaving any such goods, chattels, carriages, horses, wares, or merchandise the surplus (if any) remaining after such sale: Provided further, that the debt for the payment of which a sale is made shall not be any other or greater debt than the debt for which the goods or other articles could have been retained by the innkeeper under his lien.

Provided also, that at least one month before any such sale, the landlord, proprietor, keeper, or manager shall cause to

A.D. 1878 be inserted in one London newspaper and one country newspaper circulating in the district where such goods, chattels, carriages, horses, wares, or merchandise, or some of them, shall have been deposited or left, an advertisement containing notice of such intended sale, and giving shortly a description of the goods and chattels intended to be sold, together with the name of the owner or person who deposited or left the same where known.

Short title. 2. This Act may be cited as the Innkeepers Act, 1878.

CHAPTER 39.

An Act for the Protection of Freshwater Fish.—[*8th August* 1878.]

Sect. 3. This Act shall not extend to Scotland or Ireland.

CHAPTER 40.

An Act to remove doubts with respect to the application to Scotland of the Prisons Authorities Act, 1874.—[*8th August* 1878.]

WHEREAS doubts exist with respect to the application to Scotland of the Prisons Authorities Act, 1874 (hereinafter called the Act of 1874), and it is expedient that those doubts be removed:

37 & 38 Vict. c. 47.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 37 & 38 Vict. c. 47.

1. This Act may be cited as the Prisons Authorities Act, 1874, Amendment Act, 1878, and the Act of 1874 and this Act shall be read and construed together as one Act.

Interpretation of expression "prison authority." 37 & 38 Vict. c. 47. 40 & 41 Vict. c. 53.

2. The expression "prison authority," where used in the Act of 1874, shall be deemed to include county prison boards in Scotland as such boards existed previous to the passing of the Prisons (Scotland) Act, 1877; and any moneys borrowed or contracted to be borrowed before the passing of this Act by the county prison board of any county in Scotland for the purpose of contributing towards the expense of altering, enlarging, rebuilding, establishing, building, or purchasing the

site of any industrial or reformatory school under the Industrial Schools Acts, 1866 and 1872, and the Reformatory Schools Acts, 1866 and 1872, or any of them, shall, subject to the approval of one of Her Majesty's Principal Secretaries of State, which approval may be given after the passing of this Act on the application of the Commissioners of Supply of such county, be deemed to be moneys borrowed or contracted to be borrowed by a prison authority under the Act of 1874, and may be charged by the Commissioners of Supply of such county upon the county general assessment thereof, but with a right of relief against the burgh or burghs therein, and the municipal, or police, or other assessments thereof, in the proportion of the valuation of such burgh or burghs respectively to the valuation of such county, and shall be repaid, with the interest due thereon, all as nearly as may be in manner provided by the Act of 1874.

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29 & 30 Vict. c. 118. 35 & 36 Vict. c. 21. 29 & 30 Vict. c. 117. 35 & 36 Vict. c. 21. 37 & 38 Vict. c. 47.

37 & 38 Vict. c. 47.

CHAPTER 41.

An Act to enable Returning Officers at Parliamentary Elections in Scotland to require Security for their Expenses; and otherwise to amend the Law of Scotland relating to such Expenses.—[*8th August* 1878.]

WHEREAS it is expedient to amend the law relating to the expenses and charges of returning officers at parliamentary elections in Scotland, and otherwise to amend the law of Scotland relating to such expenses:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction of Act.

1. This Act may be cited for all purposes as the Parliamentary Elections, Returning Officers Expenses (Scotland) Act, 1878, and the Ballot Act, 1872, as modified by this Act, and this Act shall be construed as one Act.

35 & 36 Vict. c. 33.

Extent of Act.

2. This Act shall extend to Scotland only, and only to parliamentary elections.

Returning officer may require deposit or security.

3. The returning officer, if he think fit, may, as herein-after provided, require security to be given for the charges which may become payable under the provisions of any Act of Parliament in respect of any election.

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The total amount of the security which may be required in respect of all the candidates at an election shall not in any case exceed the sums prescribed in the Schedule to this Act.

Where security is required by the returning officer it shall be apportioned and given as follows; viz.,

(1.) At the end of the two hours appointed for the election the returning officer shall forthwith declare the number of the candidates who then stand nominated, and shall, if there be more candidates nominated than there are vacancies to be filled up, apportion equally among them the total amount of the required security:

(2.) Within one hour after the end of the two hours aforesaid, security shall be given, by or in respect of each candidate then standing nominated, for the amount so apportioned to him:

(3.) If in the case of any candidate security is not given or tendered as herein mentioned, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872:

35 & 36 Vict. c. 33.

(4.) A tender of security in respect of a candidate may be made by any person:

(5.) Security may be given by deposit of any legal tender or of notes of any bank being commonly current in the county or burgh for which the election is held, or, with the consent of the returning officer, in any other manner:

(6.) The balance (if any) of a deposit beyond the amount to which the returning officer is entitled in respect of any candidate shall be repaid to the person or persons by whom the deposit was made.

Use of ballot boxes, &c. provided for municipal elections. 35 & 36 Vict. c. 33. s. 14.

4. In any case to which the fourteenth section of the Ballot Act, 1872, is applicable, it shall be the duty of the returning officer, so far as is practicable, to make use of ballot boxes, fittings, and compartments provided for municipal or school board elections, and the court, upon taxation of his accounts, shall have regard to the provisions of this section.

Saving of the universities.

5. Nothing in this Act shall apply to an election for any university or combination of universities.

Commencement and duration of Act.

6. On and after the passing of this Act it shall come into operation, and shall continue in force until the thirty-first day of December one thousand eight hundred and eighty, and no longer, unless Parliament shall otherwise determine.

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MAXIMUM AMOUNT of SECURITY which may be required by a RETURNING OFFICER.

	County or District of Contributory Burghs.	Burgh.
	£	£
Where the registered electors do not exceed 1000.	150	100
Where the registered electors exceed 1000 but do not exceed 2000.	200	150
Where the registered electors exceed 2000 but do not exceed 4000.	275	200
Where the registered electors exceed 4000 but do not exceed 7000.	400	250
Where the registered electors exceed 7000 but do not exceed 10,000.	550	300
Where the registered electors exceed 10,000 but do not exceed 15,000.	700	450
Where the registered electors exceed 15,000 but do not exceed 20,000.	800	500
Where the registered electors exceed 20,000 but do not exceed 30,000.	900	600
Where the registered electors exceed 30,000 but do not exceed 40,000.	1000	700
Where the registered electors exceed 40,000 but do not exceed 50,000.	—	1,000
Where the registered electors exceed 50,000 but do not exceed 60,000.	—	1,300
Where the registered electors exceed 60,000.	—	1,600

If at the end of the two hours appointed for the election, not more candidates stand nominated than there are vacancies to be filled up, the maximum amount which may be required is one fifth of the maximum according to the above scale.

CHAPTER 42.

(COMMUTATION OF TITHES.)

An Act to amend and further extend the Acts for the Commutation of Tithes in England and Wales.—[*8th August* 1878.]

No. 19. (Pub. Gen. Statutes, 1878- Scotland.)

A.D. 1878

MARRIAGE NOTICE (SCOTLAND) ACT, 1878.

[41 & 42 Vict. Ch. 43.]

ARRANGEMENT OF SECTIONS.

Section.
1. Interpretation of terms.
2. Short title.
3. Commencement of Act.
4. Ministers, &c. may celebrate marriages on registrar's certificate.
5. Regarding Quakers and Jews.
6. Registrar's certificate to be equivalent to certificate of proclamation of banns.
7. Notice of intended marriage may be given to registrars.
8. Duties of registrars on receipt of a notice of marriage.
9. Registrar to grant certificate.
10. Provisions as to objections to intended marriages.
11. Certificates of proclamation of banns and of notice to registrars to be of equal authority.
12. Penalties for celebrating marriages without certificates.
13. Issuing of a certificate otherwise than in terms of this Act to be an offence.
14. False declarations, &c. under this Act to be punished as perjury.
15. Registrars to be provided with books, &c.
16. Persons unable to write may sign by a mark.
17. The schedules to be part of the Act.
18. As to alteration of regulations for proclamation of banns.
SCHEDULES.

CHAPTER 43.

An Act to encourage Regular Marriages in Scotland. —[*8th August* 1878.]

WHEREAS it is expedient, in order to encourage the celebration of regular marriages in that part of the United Kingdom called Scotland, that provision should be made for the celebration of such marriages after notice to registrars:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation of terms.

1. In this Act—

(1.) "Registrar" means the registrar of births, deaths, and marriages for a parish or district under the Act of

the seventeenth and eighteenth years of the reign of Her present Majesty, chapter eighty, intituled "An "Act to provide for the better Registration of Births, "Deaths, and Marriages in Scotland," and the Acts amending the same:

(2.) "Registrar General" means the registrar general of births, deaths, and marriages in Scotland appointed under the said Act of the seventeenth and eighteenth years of the reign of Her present Majesty, and the Acts amending the same:

(3.) "Parish" and "district" have the meanings attached to them respectively in the said Act of the seventeenth and eighteenth years of the reign of Her present Majesty, and the Acts amending the same.

Short title.

2. This Act may be cited for all purposes as the Marriage Notice (Scotland) Act, 1878.

Commencement of Act.

3. This Act shall commence and come into operation on the first day of January one thousand eight hundred and seventy-nine, which date is herein-after referred to as the commencement of the Act.

Ministers, &c. may celebrate marriages on registrar's certificate.

4. From and after the commencement of this Act it shall be lawful for ministers, clergymen, or priests in Scotland to celebrate marriages therein after such publication of notice of an intention to marry as is herein-after prescribed, and upon production to such minister, clergyman, or priest of a certificate or certificates of such publication as herein-after prescribed; and any marriage so celebrated shall be deemed to be a regular marriage as if it had been celebrated by such minister, clergyman, or priest after the proclamation of banns of marriage according to the mode now in use.

Regarding Quakers and Jews.

5. Notwithstanding anything contained in this Act, the Society of Friends, commonly called Quakers, and the persons professing the Jewish religion, may contract and solemnise marriage according to the usages of the said society and of the said persons respectively, and every such marriage is hereby declared and confirmed as a regular marriage, provided that the parties to such marriage be both of the said Society or both persons professing the Jewish religion respectively; provided also, that notice to the registrar of intention to marry shall have been given, and his certificate shall have issued in manner herein-after provided.

Registrar's certificate to be equivalent to certificate of pro-

6. From and after the commencement of this Act a registrar's certificate of the publication of a notice of marriage in the manner provided for by this Act shall, for all purposes of law, save as herein-after provided, be of the same force and effect as a certificate granted by a session clerk or other proper officer for

A.D. 1878 granting the same of the due proclamation of banns of marriage under the law in force before the commencement of this Act.

Proclamation of banns.

Notice of intended marriage may be given to registrars.

7. In every case of persons residing in Scotland intending that a regular marriage shall be contracted between them in Scotland without the proclamation of banns, each of such persons shall, on or about the same date, give notice of the intended marriage to the registrar of the parish or district in which he or she shall have resided for a period of not less than fifteen clear days previous to the giving of such notice, in the form as nearly as may be set forth in the Schedule A. annexed to this Act; provided that when both of such persons reside within the same parish or district a single notice shall suffice.

Duties of registrars on receipt of a notice of marriage.

8. On the receipt of a notice of an intended marriage, along with the sum of one shilling and sixpence, the registrar, being satisfied that the notice is conformable to the requirements of this Act, shall forthwith enter the particulars set forth in the notice in "The Marriage Notice Book" herein-after mentioned, and shall on the same day post or put up in a conspicuous and accessible place on the door or outer wall of his office, a public notice of the intended marriage, in the form as nearly as may be set forth in the Schedule B. annexed to this Act, and shall keep the same so posted or put up for seven consecutive days thereafter.

The marriage notice book shall be open at all reasonable times to any person desirous of inspecting the same upon payment of one shilling.

Registrar to grant certificate.

9. The registrar, having complied with the requirements of this Act, shall, on the expiration of seven clear days after the receipt of the notice of an intended marriage, in the event of no objection to the marriage appearing on the face of such notice, or being stated to him as herein-after provided for, and upon payment of a fee of one shilling, grant to the person who gave the notice, or to any person authorised by the person who gave the notice, a certificate of the due publication thereof, hereafter in this Act referred to as the registrar's certificate, as nearly as may be in one of the forms set forth in Schedule C. annexed to this Act, and shall therein set forth whether any objection had been offered to such intended marriage.

Provisions as to objections to intended marriages.

10. The registrar shall disregard all objections to an intended marriage not appearing on the face of the notice, unless—

1. They shall be stated prior to the issuing of the certificate of publication:
2. They shall be stated in writing subscribed by the person taking the same:
3. The person taking the same shall appear personally to lodge the same with the registrar, and shall in his presence make and subscribe a declaration as nearly

as may be in the form set forth in Schedule D. annexed to this Act, which the registrar shall endorse on the written statement of objections. A.D. 1878

And with regard to objections, timely and duly stated as above provided, the following provisions shall have effect; that is to say,

(*a.*) Where the objection is that the persons intending to contract marriage, or either of them, had not resided fifteen clear days within the parish or parishes or districts or district before giving notice; or that such persons are wrongly named or described in the notice, or that either of them is so wrongly named or described; or that the notice is otherwise inaccurate in any detail; and generally where the objection does not set forth a legal impediment to a marriage between such persons, but relates to some formality or statutory requirement merely, the registrar shall suspend the issuing of his certificate, and shall consider the objection, and make such inquiry thereanent as he shall see fit, and report thereon as soon as may be to the sheriff or sheriff substitute of the county in which his office is situated, who shall, on such report, direct the notice to be amended and a certificate to be granted thereon without republication thereof, if he shall see fit; or to be cancelled, if he shall see fit, in which case it shall be competent for the persons intending to contract marriage to give notice de novo of their intended marriage:

(*b.*) Where the objection is that the persons intending to contract marriage are within the forbidden degrees of consanguinity or affinity, or are both or either of them already married, or are both or either of them not of a marriageable age, or are from any other legal incapacity disqualified to give such consent as is necessary for marriage; and generally where the objection sets forth any legal impediment to a marriage between them, the registrar shall suspend the issuing of his certificate until there shall be produced to him a certified copy of a judgment of a competent court of law to the effect that the parties are not in respect of the said objection disqualified from contracting such marriage.

Certificates of proclamation of banns and

11. For the purposes of this Act a certificate from a session clerk of the due publication of banns, and a registrar's certificate granted under this Act, shall be of equal authority in authorising a minister, clergyman, or priest in Scotland to

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of notice to registrars to be of equal authority.

celebrate a regular marriage, and such marriage may be celebrated upon the production either of a certificate or certificates of due proclamation of banns, or of a registrar's certificate or registrars' certificates applicable to both parties, or a certificate of due proclamation of banns in the case of one of the parties, and of a registrar's certificate in the case of the other: Provided always, that whenever a marriage shall not take place within three months of the date of such registrar's certificate as aforesaid, such certificate shall be utterly void: And provided further, that no minister of the Church of Scotland shall be obliged to celebrate a marriage not preceded by due proclamation of banns.

Penalties for celebrating marriages without certificates.

12. Any person otherwise entitled to celebrate a marriage who shall celebrate a marriage in Scotland with a religious ceremony without having produced or exhibited to him a certificate or certificates of the due proclamation of banns or a registrar's certificate or registrars' certificates applicable to both parties, or a certificate of due proclamation of banns in the case of one of the parties and a registrar's certificate in the case of the other, shall be guilty of an offence under this Act, and shall on conviction thereof be liable to a penalty not exceeding fifty pounds.

Offences under this section may be prosecuted before the sheriff or sheriff substitute under the provisions of the Summary Procedure Act, 1864, but only at the instance of the procurator fiscal.

Issuing of a certificate otherwise than in terms of this Act to be an offence.

13. A registrar who shall wilfully grant a registrar's certificate to any person, without complying with all the requirements of this Act in regard to the conditions on which and the time when the same may be granted, shall be guilty of an offence under this Act, and shall on conviction be liable to a fine not exceeding twenty-five pounds or to be imprisoned for a period not exceeding one month, and to be deprived of his office.

Offences under this section may be prosecuted before the sheriff or sheriff substitute under the provisions of the Summary Procedure Act, 1864, at the instance of the procurator fiscal of the county.

False declarations, &c. under this Act to be punished as perjury.

14. Every person who shall wilfully make or sign any false declaration, or sign or give any false notice of an intended marriage, or who shall wilfully state any false objection to a marriage, or wilfully make any false declaration relative to an objection to a marriage under the provisions of this Act, shall be deemed in law to be guilty of the crime of perjury, and shall on conviction suffer the penalties attached by law to the crime of perjury.

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Registrars to be provided with books, &c.

15. The Registrar General shall, on or before the commencement of this Act, and thereafter from time to time as may be necessary, furnish or cause to be furnished to every registrar of a parish or district in Scotland,—(1) a book to be called "The Marriage Notice Book," prepared in such form as the Registrar General, having regard to the form of notice prescribed by this Act, shall see fit; and (2) such a number as he shall think sufficient and necessary of forms of notice and of public notice of intended marriages, and of certificates and of all other forms necessary to be supplied to the registrars for the purposes of this Act, printed on paper of such shape, size, and quality as the Registrar General shall think most convenient for the purposes of this Act and the service of his department, and the expenses of providing and printing the same shall be defrayed in the manner provided in the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, intituled "An Act to provide for the better Registration of "Births, Deaths, and Marriages in Scotland."

The Registrar General may, with the approval of one of Her Majesty's Principal Secretaries of State, from time to time prescribe rules for the discharge of their duties by registrars under this Act, and as to the hours during which they shall be bound to give attendance for the purposes of this Act, and a copy of all such rules shall be laid before both Houses of Parliament within six weeks after the same are approved of, or if Parliament be not then sitting, within one month of the beginning of the next session of Parliament.

Persons unable to write may sign by a mark.

16. Any person unable to write may duly subscribe any notice, declaration, or other writ under this Act, by adhibiting thereto a cross or other mark in the presence of the registrar, or two witnesses, provided the registrar or witnesses shall duly subscribe a declaration relative to such cross or mark as having been so adhibited by such person in their presence.

The schedules to be part of the Act.

17. The schedules to this Act, and all directions therein contained or specified, or thereto appended, shall be of the same force and effect as if the same were enacted in the body of this Act.

As to alteration of regulations for proclamation of banns.

18. Nothing contained in any statute, law, or custom shall prevent the Church of Scotland as by law established from altering the existing regulations as to proclamation of banns of marriage, and in particular from shortening to any period not less than fifteen clear days the period of residence required in order to such proclamation.

SCHEDULE A.

FORM No. 1 [*applicable to the case of notices by parties residing in different parishes or districts or giving separate notices*].

NOTICE OF MARRIAGE.—(*Pursuant to the Marriage Notice (Scotland) Act, 1878.*)

To the Registrar of the parish (*or* district) of in the county of .

I [*here insert the name of the person giving notice*] give you notice that I and the other person herein named are about to contract marriage; (that is to say,)

Name and Surname.	Condition.*	Rank or Profession.	Age.	Dwelling Place.	Parish [*or* District] and County in which Parties respectively dwell.

And I solemnly declare that I believe there is no impediment of consanguinity or affinity or of age or other lawful hindrance to the said marriage, and that I have had my usual place of abode and residence for the space of fifteen days immediately preceding the date of this notice within the above-mentioned parish (*or* district) of .

And this I declare, knowing that if the declaration is false I expose myself to the penalties of perjury. In witness whereof I have hereunto set and subscribed my hand, this day of 18 [*Signature.*]

Subscribed and declared by the above-named in the presence of us, the undersigned householders in the above-mentioned parish (*or* district), who declare that we believe the statements contained in this notice to be true.

A.B. [*name and designation*] Witness.
C.D. [*name and designation*] Witness.

* State whether the person is a bachelor or spinster, widower or widow.

N.B. The Schedule must set forth all the particulars indicated in regard, first, to the person giving the notice, and second, to the person with whom the person giving the notice intends to contract marriage.

FORM No. 2 [*applicable to the case of parties residing in the same parish or district and giving a single notice*].

NOTICE OF MARRIAGE.—(*Pursuant to the Marriage Notice (Scotland) Act*, 1878.)

To the Registrar of the parish (*or* district) of in the county of .

We [*here insert the names of the persons giving notice*] give you notice that we the persons herein named are about to contract marriage; (that is to say,)

Name and Surname.	Condition.*	Rank or Profession.	Age.	Dwelling Place.	Parish [*or* District] and County in which Parties dwell.

And we solemnly declare that we believe there is no impediment of consanguinity or affinity or of age or other lawful hindrance to the said marriage, and that we have had our usual place of abode and residence for the space of fifteen days immediately preceding the date of this notice within the above-mentioned parish (*or* district) of .

And this we declare, knowing that if the declaration is false we expose ourselves to the penalties of perjury. In witness whereof we have hereunto set and subscribed our hands, this day of 18 [*Signatures.*]

Subscribed and declared by the above-named in the presence of us the undersigned householders in the above-mentioned parish (*or* district), who declare that we believe the statements contained in this notice to be true.

A.B. [*name and designation*] Witness.
C.D. [*name and designation*] Witness.

* State whether the person is a bachelor or spinster, widower or widow.

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Sections 8, 17.

SCHEDULE B.

Public Notice.

(*Pursuant to the Marriage Notice (Scotland) Act*, 1878.)

Notice has this day been received at this office of marriage as intended to be contracted between the following persons; that is to say,

Between I.	*A.B.* [*here give name and surname, condition, rank, or profession, and place of residence of intending husband*], and *C.D.* [*here give name and surname, condition, rank, or profession, and place of residence of intending wife*].
and	
Between II.	*E.F.* [*here insert same particulars as above*], and *G.H.* [*here insert same particulars as above*].*

All objections to certificates being granted authorising the celebration of these marriages, or any of them, [*or of this marriage, when there is only one notice,*] must be lodged with the registrar in writing within seven days from this date by the objector, who must appear personally to declare to the truth thereof.

(Signed) *M.N.*, Registrar.

[*Date of Notice.*]

* One public notice in this form may be made to include all the notices of marriage received at the office in the same day.

Sections 9, 17.

SCHEDULE C.

Registrar's Certificate.

(*Pursuant to the Marriage Notice (Scotland) Act*, 1878.)

Form No. 1 [*applicable to the case of the parties residing in different parishes or districts*].

I [*M.N.*] Registrar of hereby certify that on the day of 18 *A.B.* [*here give name, surname, condition, rank, or profession, and place of residence of A.B.*] duly gave notice to me of his [*or* her] intended marriage to *C.D.* [*give name, surname, condition, &c., of C.D.*], that all the requirements of law in respect of such notice, so far as the said *A.B.* is concerned, have been complied with, and no objections stated [*or* written statement of objections lodged with me, *as the case may be*].

Certified by me the said *M.N.*, this day of

(Signed) *M.N.*, Registrar.

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FORM No. 2 [*applicable to the case of the parties residing in the same parish or district*].

I [*M.N.*] Registrar of hereby certify that on the day of 18 *A.B.* [*here give name, surname, condition, rank, or profession, and place of residence of A.B.,*] and on the day of 18 , *C.D.* [*here give name, surname, condition, rank, or profession, and place of residence of C.D.*] duly gave notice to me of their intention to contract marriage with each other, and that all the requirements of law in respect of such notices have been complied with, and no objections stated [*or*, written objections lodged with me, *as the case may be*].

Certified by me the said *M.N.*, this day of

(Signed) *M.N.*, Registrar.

SCHEDULE D.

Sections 10, 17.

I hereby solemnly declare that the facts as stated by me in the written statement of objections to the marriage intended between *A.B.* and *C.D.*, on which this declaration is indorsed, are true to the best of my knowledge and belief, and I make this declaration knowing that if the declaration is false I expose myself to the penalties of perjury.

(Signed by) *P.Q.*, Objector.

I certify that this declaration was made before me and subscribed in my presence this day of 18 in my office.

M.N., Registrar.

CHAPTER 44.

(TRURO CHAPTER.)

An Act to make provision for the foundation of a Dean and Chapter for the Bishopric of Truro, and for the transfer to the Cathedral Church of Truro of one of the Canonries in the Cathedral Church of Exeter; and for other purposes connected therewith.—[*8th August* 1878.]

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CHAPTER 45.

(CONSOLIDATED FUND, No. 4.)

An Act to apply the sum of fourteen millions five hundred thousand pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine.—[*8th August* 1878.]

CHAPTER 46.

(DUKE OF CONNAUGHT AND OF STRATHEARN. ESTABLISHMENT.)

An Act to enable Her Majesty to provide for the Establishment of His Royal Highness the Duke of Connaught and of Strathearn and Her Royal Highness Princess Louise Margaret Alexandra Victoria Agnes of Prussia, and to settle an Annuity on Her Royal Highness.—[*8th August* 1878.]

CHAPTER 47.

(ELDERS WIDOWS FUND.)

An Act to enable the Trustees of the Elders Widows Fund to apply the Capital of the said Fund in aid of Income; and for other purposes in relation thereto.—[*8th August* 1878.]

ENDOWED INSTITUTIONS (SCOTLAND) ACT. 1878.

[41 & 42 VICT. CH. 48.]

ARRANGEMENT OF SECTIONS.

Section.
1. Short title.
2. Application of Act.
3. Interpretation of terms.

4. Governing body may resolve to apply for a provisional order.
5. Governing body may present petition to Secretary of State.
6. Commissioners may inquire and report to Secretary of State.
7. Power to Secretary of State to issue provisional order.
8. Provisional order to be laid before Parliament.
9. Several governing bodies may concur in applying for provisional order.
10. Governing body may apply for transference of endowments.
11. Commissioners to submit conditions of distribution of parliamentary grant with view to promotion of higher education.
12. Commissioners to be appointed.
13. Commissioners to report.
14. Saving powers of governing bodies under special Acts, &c.
15. Commencement and duration of Act.

CHAPTER 48.

An Act to amend the Law relating to Endowed Schools and Hospitals and other Endowed Institutions in Scotland; and for other purposes.—[8*th August* 1878.]

WHEREAS there are numerous endowed schools and hospitals and other endowed institutions in Scotland, and it is expedient that provision should be made to enable the governors, managers, trustees, or other governing body thereof to apply for and obtain from Parliament power and authority whereby changes may be made in the government and management of the said schools, hospitals, and institutions, or in the application of their endowments, and at the same time provision may be made for upholding the standard of education which has hitherto been maintained in Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Endowed Institutions (Scotland) Act, 1878.

Application of Act.

2. This Act shall apply to Scotland only.

Interpretation of terms.

3. In this Act, unless the context otherwise requires, the following words and expressions have the meanings hereby assigned to them; viz.,

"Secretary of State" means any one of Her Majesty's Principal Secretaries of State:

"Governing body" includes governors, managers, trustees, school boards, or other person or persons, corporate or

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unincorporate, having, otherwise than as teacher or master, the right of holding any endowment, or any power of government of or management over any endowed institution:

"Endowed institution" means a school, hospital, or other institution wholly or partly maintained by means of any endowment, and includes a mortification or bequest for educational or charitable uses, or for uses partly educational and partly charitable, or for the establishment or maintenance of a public library:

"Endowment" means any description of property, heritable or moveable, which is dedicated to educational, literary, or charitable uses, or to uses partly educational and partly charitable, or for the establishment, management, and maintenance of a public library, in whomsoever such property may be vested, in whosesoever name it may be standing, or by whatsoever tenure or title it may be held:

"Scotch Education Department" means the Lords of the Committee of the Privy Council on Education in Scotland:

"The Commissioners" means the Commissioners herein-after appointed, and "Commissioner" means one of such Commissioners.

Governing body may resolve to apply for a provisional order.

4. It shall be lawful for the governing body of any endowed institution in Scotland, at a meeting specially called for the purpose at a month's notice, to resolve, by a majority of those present at the meeting, that it is expedient that provision should be made for the better government and administration of such institution, or for the better application of the endowments thereof, or for the transference of such institution and the endowments thereof, and that an application should be made to the Secretary of State for a provisional order.

Governing body may present petition to Secretary of State.

5. On the foresaid resolution being carried, it shall be lawful for the said governing body to present a petition to the Secretary of State, setting out such resolution, and stating the provisions for the better government and administration of such institution, or the better application of the endowments thereof, which they desire to have sanctioned. Upon receipt of any such petition as aforesaid the Secretary of State may, if he shall think fit, direct such petition to be published in the Edinburgh Gazette in two consecutive numbers thereof, and in one or more newspapers circulating in the county or counties where such institution is situated, with a view to further inquiry.

Commissioners may inquire.

6. The Secretary of State may, if he shall think fit, by writing under his hand, remit to the Commissioners herein-after mentioned to inquire into the said petition and report thereon

to the said Secretary of State; and for the purposes of such inquiry, which shall be held in public, the said Commissioners shall have power, after such public notice as they may think sufficient, to examine witnesses on oath, and to call for such information from, and to require the production of such documents by, the governing body, or any other persons, as they may consider necessary, and to do all such matters and things as may seem to them expedient for the purposes of the inquiry. After the holding of such inquiry the Commissioners shall report to the Secretary of State as to whether, in their opinion, the provisional order prayed for should be made, and if so, with what, if any, alterations or modifications therein.

quire and report to Secretary of State.

7. It shall be lawful for the Secretary of State to issue a provisional order in relation to the several things mentioned in the foresaid petition, either in accordance therewith, or with such alterations or modifications, not being inconsistent with the general principles thereof, as may appear to him to be requisite, or otherwise to refuse to issue such provisional order.

Power to Secretary of State to issue provisional order.

Provided always, that in every such provisional order provision shall be made for saving or making due compensation for the vested interests to which any teacher, master, officer, scholar, bursar, exhibitioner, pensioner, or other shall be entitled at the date of such order.

Provided also, that if the provisional order shall contain any alterations or modifications as aforesaid, the Secretary of State shall before signing the order cause a copy of it to be sent to the governing body, who may, if they think fit, state in writing to the Secretary of State any objections or suggestions respecting such order within one month after the copy thereof was sent to the governing body; and the Secretary of State shall, if he think fit, remit to the Commissioners to report on such objections and suggestions, and shall consider the same together with the report of the Commissioners.

8. The provisional order aforesaid shall not have any effect or operation unless and until the same has been laid before both Houses of Parliament; and it shall be lawful for the Secretary of State, and he is hereby required, as soon as conveniently may be, to cause such provisional order to be laid before both Houses of Parliament; and after such provisional order has lain forty days before Parliament, then, unless within such forty days a resolution has been adopted by one or other of the said Houses disapproving of the said order, such provisional order shall come into operation.

Provisional order to be laid before Parliament.

9. It shall be lawful for the governing bodies of two or more endowed institutions to concur in applying for a provisional order under this Act, and such order may provide for the union

Several governing bodies may concur in

A.D. 1878 of such institutions or for the application of their endowments or part thereof under a governing body to be constituted by such order.

applying for provisional order.

10. It shall be lawful for the governing body of an endowed institution to apply for a provisional order, and such order may provide for the transference of the institution and the endowments of such institution or part thereof to the governing body of one or more other endowed institutions, or to one or more school boards, subject to the provisions contained in such order.

Governing body may apply for transference of endowments.

Commissioners to submit conditions of distribution of parliamentary grant with view to promotion of higher education.

11. The Commissioners shall submit for the consideration of the Scotch Education Department the conditions according to which, in their opinon, the parliamentary grant for public education in Scotland may be most advantageously distributed for the purpose of promoting education in the higher branches of knowledge in public and State-aided schools, especially in those districts in which there are no higher class public schools: Provided always, that the duty of determining from time to time the rates and conditions according to which the said grants may be given, and of framing, and from time to time revising the minutes containing the same, shall be upon the Scotch Education Department.

Commissioners to be appointed.

12. For the purposes of this Act it shall be lawful for Her Majesty from time to time, on the recommendation of the Secretary of State, to appoint Commissioners to hold office during Her Majesty's pleasure, but the number of such Commissioners shall not at any one time exceed seven.

The office and general place of business of the Commissioners shall be in Edinburgh; but the Commissioners may from time to time appoint any one or more of their number to hold an inquiry in terms of this Act, and to visit such places as may be necessary for that purpose. Any Commissioner or Commissioners so appointed shall have and may exercise all the powers of the Commissioners, except that of reporting to the Secretary of State.

Her Majesty may, on the recommendation of the Secretary of State, from time to time appoint a fit person to be secretary to the Commissioners, to hold office at Her Majesty's pleasure; and the Commissioners may appoint such necessary clerks and officers as shall be sanctioned by the Commissioners of Her Majesty's Treasury to hold office during the pleasure of the Commissioners.

The Commissioners of Her Majesty's Treasury may assign to the secretary, clerks, and officers such salaries as they may think proper.

The salaries paid under this Act, together with the whole

expenses of the Commissioners and of their establishment, and reasonable travelling expenses, shall be defrayed out of moneys to be voted by Parliament. A.D. 1878

Provided that such Commissioners shall receive no remuneration except for such reasonable travelling or other expenses as may be incurred in the discharge of their duties under this Act.

Commissioners to report.

13. The Commissioners shall once in each year make a report to Her Majesty of their proceedings under this Act during the past year, and such report shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

Saving powers of governing bodies under special Acts, &c.

14. Nothing herein contained shall be held to limit any of the powers presently enjoyed by any governing body under any Act of Parliament, or provisional order, or charter, or by the foundation grant of the endowed institution under their government.

Commencement and duration of Act.

15. Save as regards the appointment of Commissioners, which may be made at any time after the passing hereof, this Act shall commence to have effect on the first day of October one thousand eight hundred and seventy-eight, and shall be in force until the thirty-first day of December one thousand eight hundred and eighty: Provided that it shall be lawful for Her Majesty in Council, if special cause be shown, to continue this Act in force with respect to any endowed institution until the thirty-first day of July one thousand eight hundred and eighty-one.

WEIGHTS AND MEASURES ACT, 1878.

[41 & 42 Vict. Ch. 49.]

ARRANGEMENT OF SECTIONS.

Preliminary.

Section.
1. Short title.
2. Commencement.

I.—Law of Weights and Measures.

Uniformity of Weights and Measures.

3. Uniformity of weights and measures.

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Section.

Standards of Measure and Weight.

4. Imperial standards of measure and weight.
5. Parliamentary copies of imperial standards.
6. Restoration of imperial standards.
7. Restoration of parliamentary copies.
8. Secondary (Board of Trade) standards of measure and weight.
9. Local standards of measure and weight.

Imperial Measures of Length.

10. Imperial standard yard.
11. Linear measures derived from imperial standard yard.
12. Superficial measures derived from the imperial standard yard.

Imperial Measures of Weight and Capacity.

13. Imperial standard pound.
14. Imperial weights derived from imperial standard pound.
15. Imperial measures of capacity.
16. Measure of capacity for goods formerly sold by heaped measure.
17. Measure of capacity when used to be stricken or filled up.

Metric Equivalents of Imperial Weights and Measures.

18. Equivalents of metric weights and measures in terms of imperial weights and measures.

Use of Imperial Weights and Measures.

19. Trade contracts, sales, dealings, &c. to be in terms of imperial weights or measures.
20. Sale by avoirdupois weight, with exceptions.
21. Exception for contract, &c. in metric weights and measures.
22. Exception for sale of article in vessel not represented as being of imperial or local measure.
23. Penalty on price lists, &c. denoting greater or less weight or measure than the same denomination of imperial weight or measure.
24. Penalty on use or possession of unauthorised weight or measure.

Unjust Weights and Measures.

25. Penalty on use or possession of unjust measures, weights, balances, or weighing machines.
26. Penalty for fraud in use of weight, measure, balance, &c.
27. Penalty on sale of false weight, measure, balance, &c.

Stamping and Verification of Weights and Measures.

28. Stamping of weights and measures with denomination.
29. Stamping of verification on measures and weights.
30. Lead or pewter weights.
31. Stamping of verification on weights for coin.
32. Forgery, &c. of stamps on measures or weights.

II.—Administration.

(a.) *Central.*

Board of Trade.

33. Powers and duties of Board of Trade as to standards of weights and measures, &c.

Custody and Verification of Standards and Copies.

34. Custody of imperial and Board of Trade standards to remain with Board of Trade.

Section.
35. Custody and periodical verification of parliamentary copies of imperial standards. A.D. 1878
36. Periodical verification of Board of Trade standards.
37. Verification by Board of Trade of local standards.
38. Power of Board of Trade to verify metric weights and measures.
39. Verification and stamping of coin weights.

(b.) *Local Administration.*

Local Standards.

40. Provision of local standards by local authority.
41. Periodical verification of local standards.
42. Production of local standards.

Local Verification and Inspection of Weights and Measures.

43. Appointment of inspectors of weights and measures.
44. Verification and stamping by inspectors of weights and measures.
45. Validity of weights and measures stamped throughout the United Kingdom.
46. Power to stamp measures made partly of metal and partly of glass.
47. Fees for comparison and stamping.
48. Power to inspect measures, weights, scales, &c., and to enter shops, &c. for that purpose.
49. Penalty on inspector for misconduct.

Local Authorities.

50. Local authorities and local rate.
51. Expenses of local authority.
52. Power of local authorities to combine for purposes of Act.
53. Power to local authority to make byelaws as to local verification, &c.
54. Appointment of inspectors in towns and other places.
55. Power of vestry, &c. in Metropolis to put an end to appointment of inspectors of weights and measures under Local Act.

Legal Proceedings.

56. Prosecution of offences and recovery of fines.
57. Provisions as to summary proceedings.
58. Limitation as to conviction for second offences.
59. Evidence as to possession.
60. Appeal from conviction.
61. Provision as to action against person acting in execution of Act.

III.—Miscellaneous.

62. Continuance of inquisition recorded for ascertaining rents and tolls payable.
63. Orders in Council.
64. Effect of schedules.
65. Construction of Acts referring to repealed enactments.

Savings and Definitions.

66. Saving as to models of gas holders under 22 & 23 Vict. c. 66.
67. Saving as to rights of the Founders Company.
68. Saving as to London.
69. Act not to abridge the power of the leet jury, &c.
70. Definitions.

IV.—Application of Act to Scotland.

71. Application of imperial weights and measures to tolls, &c.
72. Recovery and application of penalties.
73. Appeal.
74. Definitions as regards Scotland.
75. Power of sheriff.

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V.—Application of Act to Ireland.

Section.
76. Contracts to be made by denominations of imperial weight, otherwise to be void.
77. Mode of weighing. Deductions prohibited.
78. Providing of local standards and sub-standards.
79. Inquiry by judge of assize and chairman of quarter sessions as to provision of local standards and sub-standards.
80. Expenses of ex-officio inspectors.
81. Ex-officio inspectors of weights and measures.
82. Custody and use of local standards.
83. Custody and periodical verification of local sub-standards.
84. Recovery of fines, &c.
85. Definitions.

VI.—Repeal.

86. Repeal.
Schedules.

CHAPTER 49.

An Act to consolidate the Law relating to Weights and Measures.—[*8th August* 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Weights and Measures Act, 1878.

Commencement.

2. This Act shall not come into operation until the first day of January one thousand eight hundred and seventy-nine, which day is herein-after referred to as the commencement of this Act.

I.—Law of Weights and Measures.

Uniformity of Weights and Measures.

Uniformity of weights and measures.

3. The same weights and measures shall be used throughout the United Kingdom.

Standards of Measure and Weight.

Imperial standards of measure and weight.

4. The bronze bar and the platinum weight, more particularly described in the first part of the First Schedule to this Act, and at the passing of this Act deposited in the Standards

Department of the Board of Trade in the custody of the Warden of the Standards, shall continue to be the imperial standards of measure and weight, and the said bronze bar shall continue to be the imperial standard for determining the imperial standard yard for the United Kingdom, and the said platinum weight shall continue to be the imperial standard for determining the imperial standard pound for the United Kingdom. A.D. 1878

Parliamentary copies of imperial standards.

5. The four copies of the imperial standards of measure and weight, described in the second part of the First Schedule to this Act, and deposited as therein mentioned, shall be deemed to be parliamentary copies of the said imperial standards.

The Board of Trade shall as soon as may be after the commencement of this Act cause an accurate copy of the imperial standard of measure and an accurate copy of the imperial standard of weight to be made of the same form and material as the said standards, and it shall be lawful for Her Majesty in Council, on the representation of the Board of Trade, to approve the copies so made, and the copies when so approved shall be of the same effect as the said parliamentary copies, and are in this Act included under the name parliamentary copies of the imperial standards of measure and weight.

Restoration of imperial standards.

6. If at any time either of the imperial standards of measure and weight is lost or in any manner destroyed, defaced, or otherwise injured, the Board of Trade may cause the same to be restored by reference to or adoption of any of the parliamentary copies of that standard, or of such of them as may remain available for that purpose.

Restoration of parliamentary copies.

7. If at any time any of the parliamentary copies of either of the imperial standards is lost or in any manner destroyed, defaced, or otherwise injured, the Board of Trade may cause the same to be restored by reference either to the corresponding imperial standard, or to one of the other parliamentary copies of that standard.

Secondary (Board of Trade) standards of measure and weight.

8. The secondary standards of measure and weight which, having been derived from the imperial standards, are at the commencement of this Act in use under the direction of the Board of Trade, and are mentioned in the Second Schedule to this Act, and no others (save as herein-after mentioned), shall be secondary standards of measure and weight, and shall be called Board of Trade standards.

If at any time any of such standards is lost or in any manner destroyed, defaced, or otherwise injured, the Board of Trade may cause the same to be restored by reference either to one of the imperial standards or to one of the parliamentary copies of those standards.

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The Board of Trade shall from time to time cause such new denominations of standards, being either equivalent to or multiples or aliquot parts of the imperial weights and measures ascertained by this Act, or being equivalent to or multiples of each coin of the realm for the time being, as appear to them to be required, in addition to those mentioned in the Second Schedule to this Act, to be made and duly verified, and those new denominations of standards when approved by Her Majesty in Council shall be Board of Trade standards in like manner as if they were mentioned in the said schedule.

It shall be lawful for Her Majesty by Order in Council to declare that a Board of Trade standard for the time being of any denomination, whether mentioned in the said schedule or approved by Order in Council, shall cease to be such a standard.

Such standards of the Board of Trade as are equivalent to or multiples of any coin of the realm for the time being shall be standard weights for determining the justness of the weight of and for weighing such coin.

Local standards of measure and weight.

9. The standards of measure and weight which are at the commencement of this Act legally in use by inspectors of weights and measures for the purpose of verification or inspection, and all copies of the Board of Trade standards which after the commencement of this Act are compared with those standards and verified by the Board of Trade for the purpose of being used by inspectors of weights and measures under this Act as standards for the verification or inspection of weights and measures, shall be called local standards.

Imperial Measures of Length.

Imperial standard yard.

10. The straight line or distance between the centres of the two gold plugs or pins (as mentioned in the First Schedule to this Act) in the bronze bar by this Act declared to be the imperial standard for determining the imperial standard yard measured when the bar is at the temperature of sixty-two degrees of Fahrenheit's thermometer, and when it is supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar, and to facilitate its free expansion and contraction from variations of temperature, shall be the legal standard measure of length, and shall be called the imperial standard yard, and shall be the only unit or standard measure of extension from which all other measures of extension, whether linear superficial or solid, shall be ascertained.

Linear measures derived

11. One third part of the imperial standard yard shall be a foot, and the twelfth part of such foot shall be an inch, and the

rod, pole, or perch in length shall contain five such yards and a half, and the chain shall contain twenty-two such yards, the furlong two hundred and twenty such yards, and the mile one thousand seven hundred and sixty such yards. from imperial standard yard.

12. The rood of land shall contain one thousand two hundred and ten square yards according to the imperial standard yard, and the acre of land shall contain four thousand eight hundred and forty such square yards, being one hundred and sixty square rods, poles, or perches. Superficial measures derived from the imperial standard yard.

Imperial Measures of Weight and Capacity.

13. The weight in vacuo of the platinum weight (mentioned in the First Schedule to this Act), and by this Act declared to be the imperial standard for determining the imperial standard pound, shall be the legal standard measure of weight, and of measure having reference to weight, and shall be called the imperial standard pound, and shall be the only unit or standard measure of weight from which all other weights and all measures having reference to weight shall be ascertained. Imperial standard pound.

14. One sixteenth part of the imperial standard pound shall be an ounce, and one sixteenth part of such ounce shall be a dram, and one seven thousandth part of the imperial standard pound shall be a grain. Imperial weights derived from imperial standard pound.

A stone shall consist of fourteen imperial standard pounds, and a hundredweight shall consist of eight such stones, and a ton shall consist of twenty such hundredweights.

Four hundred and eighty grains shall be an ounce troy.

All the foregoing weights except the ounce troy shall be deemed to be avoirdupois weights.

15. The unit or standard measure of capacity from which all other measures of capacity, as well for liquids as for dry goods, shall be derived, shall be the gallon containing ten imperial standard pounds weight of distilled water weighed in air against brass weights, with the water and the air at the temperature of sixty-two degrees of Fahrenheit's thermometer, and with the barometer at thirty inches. Imperial measures of capacity.

The quart shall be one fourth part of the gallon, and the pint shall be one eighth part of the gallon.

Two gallons shall be a peck, and eight gallons shall be a bushel, and eight such bushels shall be a quarter, and thirty-six such bushels shall be a chaldron.

16. A bushel for the sale of any of the following articles, namely, lime, fish, potatoes, fruit, or any other goods and things which before (the passing of the Weights and Measures Act, 1835, that is to say) the ninth day of September one thousand Measure of capacity for goods formerly

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sold by heaped measure. 5 & 6 Will. 4. c. 63.

eight hundred and thirty-five, were commonly sold by heaped measure, shall be a hollow cylinder having a plane base, the internal diameter of which shall be double the internal depth, and every measure used for the sale of any of the above-mentioned articles which is a multiple of a bushel, or is a half bushel or a peck, shall be made of the same shape and proportion as the above-mentioned bushel.

Measure of capacity when used to be stricken or filled up.

17. In using an imperial measure of capacity, the same shall not be heaped, but either shall be stricken with a round stick or roller, straight and of the same diameter from end to end, or if the article sold cannot from its size or shape be conveniently stricken shall be filled in all parts as nearly to the level of the brim as the size and shape of the article will admit.

Metric Equivalents of Imperial Weights and Measures.

Equivalents of metric weights and measures in terms of imperial weights and measures.

18. The table in the Third Schedule to this Act shall be deemed to set forth the equivalents of imperial weights and measures and of the weights and measures therein expressed in terms of the metric system, and such table may be lawfully used for computing and expressing, in weights and measures, weights and measures of the metric system.

Use of Imperial Weights and Measures.

Trade contracts, sales, dealings, &c. to be in terms of imperial weights or measures.

19. Every contract bargain, sale, or dealing, made or had in the United Kingdom for any work goods wares or merchandise or other thing which has been or is to be done, sold, delivered, carried, or agreed for by weight or measure, shall be deemed to be made and had according to one of the imperial weights or measures ascertained by this Act, or to some multiple or part thereof, and if not so made or had shall be void; and all tolls and duties charged or collected according to weight or measure shall be charged and collected according to one of the imperial weights or measures ascertained by this Act, or to some multiple or part thereof.

Such contract, bargain, sale, dealing, and collection of tolls and duties as is in this section mentioned is in this Act referred to under the term "trade."

No local or customary measures, nor the use of the heaped measure, shall be lawful.

Any person who sells by any denomination of weight or measure other than one of the imperial weights or measures, or some multiple or part thereof, shall be liable to a fine not exceeding forty shillings for every such sale.

20. All articles sold by weight shall be sold by avoirdupois weight; except that— A.D. 1878

Sale by avoirdupois weight, with exceptions.

(1.) Gold and silver, and articles made thereof, including gold and silver thread, lace, or fringe, also platinum, diamonds, and other precious metals or stones, may be sold by the ounce troy or by any decimal parts of such ounce; and all contracts, bargains, sales, and dealings in relation thereto shall be deemed to be made and had by such weight, and when so made or had shall be valid; and

(2.) Drugs, when sold by retail, may be sold by apothecaries weight.

Every person who acts in contravention of this section shall be liable to a fine not exceeding five pounds.

Exception for contract, &c. in metric weights and measures.

21. A contract or dealing shall not be invalid or open to objection on the ground that the weights or measures expressed or referred to therein are weights or measures of the metric system, or on the ground that decimal subdivisions of imperial weights and measures, whether metric or otherwise, are used in such contract or dealing.

Exception for sale of article in vessel not represented as being of imperial or local measure.

22. Nothing in this Act shall prevent the sale, or subject a person to a fine under this Act for the sale, of an article in any vessel, where such vessel is not represented as containing any amount of imperial measure, nor subject a person to a fine under this Act for the possession of a vessel where it is shown that such vessel is not used nor intended for use as a measure.

Penalty on price lists, &c. denoting greater or less weight or measure than the same denomination of imperial weight or measure.

23. Any person who prints, and any clerk of a market or other person who makes, any return, price list, price current, or any journal or other paper containing price list or price current, in which the denomination of weights and measures quoted or referred to denotes or implies a greater or less weight or measure than is denoted or implied by the same denomination of the imperial weights and measures under this Act, shall be liable to a fine not exceeding ten shillings for every copy of every such return, price list, price current, journal, or other paper which he publishes.

Penalty on use or possession of unauthorised weight or measure.

24. Every person who uses or has in his possession for use for trade a weight or measure which is not of the denomination of some Board of Trade standard, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and the weight or measure shall be liable to be forfeited.

Unjust Weights and Measures.

Penalty on use or possession of

25. Every person who uses or has in his possession for use for trade any weight measure scale balance steelyard or weigh-

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ing machine which is false or unjust, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and any contract bargain sale or dealing made by the same shall be void, and the weight measure scale balance or steelyard shall be liable to be forfeited.

Unjust measures, weights, balances, or weighing machines.

26. Where any fraud is wilfully committed in the using of any weight measure scale balance steelyard or weighing machine, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and the weight measure scale balance or steelyard shall be liable to be forfeited.

Penalty for fraud in use of weight, measure, balance, &c.

27. A person shall not wilfully or knowingly make or sell or cause to be made or sold, any false or unjust weight measure scale balance steelyard or weighing machine.

Penalty on sale of false weight, measure, balance, &c.

Every person who acts in contravention of this section shall be liable to a fine not exceeding ten pounds, or in the case of a second offence fifty pounds.

Stamping and Verification of Weights and Measures.

Stamping of weights and measures with denomination.

28. Every weight, except where the small size of the weight renders it impracticable, shall have the denomination of such weight stamped on the top or side thereof in legible figures and letters.

Every measure of capacity shall have the denomination thereof stamped on the outside of such measure in legible figures and letters.

A weight or measure not in conformity with this section shall not be stamped with such stamp of verification under this Act as is herein-after mentioned.

Stamping of verification on measures and weights.

29. Every measure and weight whatsoever used for trade shall be verified and stamped by an inspector with a stamp of verification under this Act.

Every person who uses or has in his possession for use for trade any measure or weight not stamped as required by this section, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and shall be liable to forfeit the said measure or weight, and any contract bargain sale or dealing made by such measure or weight shall be void.

Lead or pewter weights.

30. A weight made of lead or pewter, or of any mixture thereof, shall not be stamped with a stamp of verification or used for trade, unless it be wholly and substantially cased with brass copper or iron, and legibly stamped or marked "cased":

Provided that nothing in this section shall prevent the insertion into a weight of such a plug of lead or pewter as is bonâ

fide necessary for the purpose of adjusting it and of affixing thereon the stamp of verification. A.D. 1878

A person guilty of any offence against or disobedience to the provisions of this section, shall be liable to a penalty not exceeding five pounds, or in case of a second offence ten pounds.

Stamping of verification on weights for coin.

31. Every coin weight, not less in weight than the weight of the lightest coin for the time being current, shall be verified and stamped by the Board of Trade with a mark of verification under this Act, and otherwise shall not be deemed a just weight for determining the weight of gold and silver coin of the realm.

Every person who uses any weight declared by this section not to be a just weight shall be liable to a fine not exceeding fifty pounds.

Forgery, &c. of stamps on measures or weights.

32. If any person forges or counterfeits any stamp used for the stamping under this Act of any measure or weight, or used before the commencement of this Act for the stamping of any measure or weight, under any enactment repealed by this Act, or wilfully increases or diminishes a weight so stamped, he shall be liable to a fine not exceeding fifty pounds.

Any person who knowingly uses, sells, utters, disposes of, or exposes for sale any measure or weight with such forged or counterfeit stamp thereon, or a weight so increased or diminished, shall be liable to a fine not exceeding ten pounds.

All measures and weights with any such forged or counterfeit stamp shall be forfeited.

II.—Administration.

(a.) *Central.*

Board of Trade.

Powers and duties of Board of Trade as to standards of weights and measures, &c.

33. The Board of Trade shall have all such powers and perform all such duties relative to standards of measure and weight, and to weights and measures, as are by any Act or otherwise vested in or imposed on the Treasury, or the Comptroller-General of the Exchequer, or the Warden of the Standards; and all things done by the Board of Trade, or any of their officers, or at their office, in relation to standards of weights and measures in pursuance of this Act shall be as valid, and have the like effect and consequences, as if the same had been done by the Treasury, or by the Comptroller-General or other officer of the Exchequer, or by the Warden of the Standards, or at the office of the Exchequer.

It shall be the duty of the Board of Trade to conduct all

A.D. 1878 such comparisons, verifications, and other operations with reference to standards of measure and weight, in aid of scientific researches or otherwise, as the Board of Trade from time to time thinks expedient, and to make from time to time a report to Parliament on their proceedings and business under this Act.

Custody and Verification of Standards and Copies.

Custody of imperial and Board of Trade standards to remain with Board of Trade.

34. The imperial standards of measure and weight, the Board of Trade standards of measure and weight, and all balances, apparatus, books, documents, and things used in connection therewith or relating thereto, deposited at the passing of this Act in the Standards Department, or in any other office of the Board of Trade, shall remain and be in the custody of the Board of Trade.

Custody and periodical verification of parliamentary copies of imperial standards.

35. The parliamentary copies of the imperial standards of measure and weight mentioned in part two of the First Schedule to this Act shall continue to be deposited as therein mentioned.

The copies of the imperial standards of measure and weight made in pursuance of this Act, when approved by Her Majesty in Council, shall be deposited at some office of the Board of Trade, and be in the custody of the Board of Trade.

The Board of Trade shall cause the parliamentary copies of the imperial standards of measure and weight, except the copy immured in the new palace at Westminster, to be compared once in every ten years with each other, and once in every twenty years with the imperial standards of measure and weight.

Periodical verification of Board of Trade standards.

36. Once at least in every five years the Board of Trade shall cause the Board of Trade standards for the time being to be compared with the parliamentary copies of the imperial standards of measure and weight made and approved in pursuance of this Act and with each other, and to be adjusted or renewed, if requisite.

Verification by Board of Trade of local standards.

37. The Board of Trade shall cause to be compared with the Board of Trade standards and verified at such place as the Board of Trade in each case direct all copies of any of those standards which are submitted for the purpose by any local authority, and have been used or are intended to be used as local standards, and if they find the same fit for the purpose of being used by inspectors of weights and measures under this Act as standards for the verification and inspection of weights and measures, shall cause them to be stamped as verified or re-verified in such manner as to show the date of such verifica-

tion or re-verification, and every such verification shall be evidenced by an indenture, and every such re-verification shall be evidenced by an indorsement, upon the original indenture of verification, or by a new indenture of verification. A.D. 1878

Any such indenture or indorsement, if purporting to be signed (either before or after the passing of this Act) by an officer of the Board of Trade, shall be evidence of the verification or re-verification of the weights and measures therein referred to.

Any such indenture or indorsement shall not be liable to stamp duty, nor shall any fee be payable on the verification or re-verification of any local standard.

An account shall be kept by the Board of Trade of all local standards verified or re-verified.

Power of Board of Trade to verify metric weights and measures.

38. Whereas the Board of Trade have obtained accurate copies of the metric standards mentioned in part two of the Third Schedule to this Act, and it is expedient to make the provision herein-after mentioned for the verification of metric weights and measures, be it therefore enacted as follows:

The Board of Trade may, if they think fit, cause to be compared with the metric standards in their custody and verified all metric weights and measures which are submitted to them for the purpose, and are of such shape and construction as may be from time to time in that behalf directed by the Board of Trade, and which the Board of Trade are satisfied are intended to be used for the purpose of science or of manufacture, or for any lawful purpose not being for the purpose of trade within the meaning of this Act.

Verification and stamping of coin weights.

39. The Board of Trade, on payment of such fee, not exceeding five shillings, as they from time to time prescribe, shall cause all coin weights required by this Act to be verified, to be compared with the standard weights for weighing coin, and, if found to be just, stamped with a mark approved of by the Board, and notified in the London Gazette.

All fees under this section shall be paid into the Exchequer.

(b.) *Local Administration.*

Local Standards.

Provision of local standards by local authority.

40. The local authority (mentioned in the Fourth Schedule to this Act) of every county and borough from time to time shall provide such local standards of measure and weight as they deem requisite for the purpose of the comparison by way of verification or inspection, in accordance with this Act, of all weights and measures in use in their county or borough,

A.D. 1878 and shall fix the places at which such standards are to be deposited.

The said local authority shall also provide from time to time proper means for verifying weights and measures by comparison with the local standards of such authority and for stamping the weights and measures so verified.

Periodical verification of local standards.

41. A local standard of weight shall not be deemed legal nor be used for the purposes of this Act unless it has been verified or re-verified within five years before the time at which it is used.

A local standard of measure shall not be deemed legal nor be used for the purposes of this Act unless it has been verified or re-verified within ten years before the time at which it is used.

A local standard of weight or measure which has become defective in consequence of any wear or accident, or has been mended, shall not be legal nor be used for the purpose of this Act until it has been re-verified by the Board of Trade.

A local standard may, save as aforesaid, be re-verified, for the purpose of this section, by such local comparison thereof as is herein-after mentioned, if on that local comparison it is found correct, but otherwise shall be, and in any case may be, re-verified by the Board of Trade.

A local comparison of a local standard shall be made by an inspector of weights and measures for the county or borough in which such standard is used comparing the same, in the presence of a justice of the peace, with some other local standard which has been verified or re-verified by the Board of Trade, in the case of a weight within the previous five years, and in the case of a measure within the previous ten years.

Upon a local comparison where the local standard is found correct the justice shall sign an indorsement upon the indenture of verification of that standard, stating such local comparison and verification, and the error, if any, found thereon, and the indorsement so signed shall be transmitted to the Board of Trade to be recorded in the account of the verification of local standards. The indorsement when so recorded shall be evidence of the local comparison and verification, and a statement of the record thereof, if purporting to be signed by an officer of the Board of Trade, shall be evidence of the same having been so recorded.

It shall be lawful for Her Majesty from time to time, by Order in Council, to define the amount of error to be tolerated in local standards when verified or re-verified by the Board of Trade, or when re-verified by such a local comparison as is authorised by this section.

42. The local standards shall be produced by the person having the custody thereof, upon reasonable notice, at such reasonable time and place within the county, borough, or place for which the same have been provided, as any person by writing under his hand requires, upon payment by the person requiring such production of the reasonable charges of producing the same. A.D. 1878 — Production of local standards.

Local Verification and Inspection of Weights and Measures.

43. Every local authority shall from time to time appoint a sufficient number of inspectors of weights and measures for safely keeping the local standards provided by such authority, and for the discharge of the other duties of inspectors under this Act; and where they appoint more than one such inspector, shall allot to each inspector (subject to any arrangement made for a chief inspector or inspectors) a separate district, to be distinguished by some name, number, or mark; and the local authority may suspend or dismiss any inspector appointed by them or appoint additional inspectors, as occasion may require, and shall assign reasonable remuneration to each inspector for his duties. Appointment of inspectors of weights and measures.

A local authority may, if they think fit, appoint different persons to be inspectors for verification and for inspection respectively of weights and measures under this Act.

A maker or seller of weights or measures, or a person employed in the making or selling thereof, shall not be an inspector of weights and measures under this Act.

An inspector of weights and measures shall forthwith on his appointment enter into a recognizance to the Crown (to be sued for in any court of record) in the sum of two hundred pounds for the due performance of the duties of his office, and for the due payment, at the times fixed by the local authority appointing him, of all fees received by him under this Act, and for the safety of the local standards and the stamps and appliances for verification committed to his charge, and for their due surrender immediately on his removal or other cessation from office to the person appointed by the local authority to receive them.

44. The local authority shall from time to time fix the times and places within their jurisdiction at which each inspector appointed by them is to attend for the purpose of the verification of weights and measures; and the inspector shall attend, with the local standards in his custody, at each time and place fixed, and shall examine every measure or weight which is of the same denomination as one of such standards Verification and stamping by inspectors of weights and measures.

A.D. 1878 and is brought to him for the purpose of verification, and compare the same with that standard, and if he find the same correct shall stamp it with a stamp of verification in such manner as best to prevent fraud; and in the case of a measure or of a weight of a quarter of a pound or upwards, shall further stamp thereon a name, number, or mark distinguishing the district for which he acts.

He shall also enter in a book kept by him minutes of every such verification, and give, if required, a certificate under his hand of every such stamping.

An inspector appointed by the local authority for a county may enter a place within the district of an inspector appointed by any other local authority, and there verify and stamp the weights and measures of any person residing within his own district, but if he knowingly stamp a weight or measure of any person residing in the district of an inspector legally appointed by another local authority, he shall be liable to a fine not exceeding twenty shillings for every weight or measure which he so stamps.

Validity of weights and measures stamped throughout the United Kingdom.

45. A weight or measure duly stamped by an inspector under this Act shall be a legal weight or measure throughout the United Kingdom, unless found to be false or unjust, and shall not be liable to be re-stamped because used in any place other than that in which it was originally stamped.

Power to stamp measures made partly of metal and partly of glass.

46. Where a measure for liquids is constructed with a small window or transparent part through which the contents, whether to the brim or to any other index thereof, may be seen without impediment, such measure may be verified and stamped by inspectors under this Act, although such measure is made partly of metal and partly of glass or other transparent medium, and that whether such measure corresponds exactly to a Board of Trade standard, or whether it exceeds such standard, but has the capacity of such standard indicated by a level line drawn through the centre of the window or transparent part.

Fees for comparison and stamping.

47. An inspector under this Act may take in respect of the verification and stamping of weights and measures such fees not exceeding those specified in the Fifth Schedule to this Act as the authority appointing him from time to time fix, and shall at such times not less often than once a quarter as the said authority direct, account for and pay over to the treasurer of the local rate or such person as the said authority direct all fees taken by him.

Where the Board of Trade, upon the application of any local authority from time to time represent to Her Majesty that it would be expedient to alter the fees taken by the inspectors of

such authority under this Act (whether specified in the said schedule or in any order previously made under this section) or, for the purpose of adapting those fees to the local standards provided by such authority, to add to the said fees, it shall be lawful for Her Majesty by Order in Council from time to time to alter or add to the said fees. A.D. 1878

Power to inspect measures, weights, scales, &c., and to enter shops, &c. for that purpose.

48. Every inspector under this Act authorised in writing under the hand of a justice of the peace, also every justice of the peace, may at all reasonable times inspect all weights measures scales balances steelyards and weighing machines within his jurisdiction which are used or in the possession of any person or on any premises for use for trade, and may compare every such weight and measure with some local standard, and may seize and detain any weight measure scale balance or steelyard which is liable to be forfeited in pursuance of this Act, and may for the purpose of such inspection enter any place, whether a building or in the open air, whether open or enclosed, where he has reasonable cause to believe that there is any weight measure scale balance steelyard or weighing machine which he is authorised by this Act to inspect.

Any person who neglects or refuses to produce for such inspection all weights measures scales balances steelyards and weighing machines in his possession or on his premises, or refuses to permit the justice or inspector to examine the same or any of them, or obstructs the entry of the justice or inspector under this section, or otherwise obstructs or hinders a justice or inspector acting under this section, shall be liable to a fine not exceeding five, or, in the case of a second offence, ten pounds.

Penalty on inspector for misconduct.

49. If an inspector under this Act stamps a weight or measure in contravention of any provision of this Act, or without duly verifying the same by comparison with a local standard, or is guilty of a breach of any duty imposed on him by this Act, or otherwise misconducts himself in the execution of his office, he shall be liable to a fine not exceeding five pounds for each offence.

Local Authorities.

Local authorities and local rate.

50. For the purposes of this Act "the local authority" and "the local rate" shall mean in each of the different areas mentioned in the first column of the Fourth Schedule to this Act the authority and the rate or fund mentioned in that schedule in connexion with that area:

Provided that in England the council of a borough which has not a separate court of quarter sessions shall not, unless

A.D. 1878 they so resolve, be the local authority for the purposes of this Act, and if they so resolve and provide local standards and appoint inspectors after the commencement of this Act, they shall forthwith give notice of such resolution and appointment, under the corporate seal of the borough, to the clerk of the peace of the county in which the borough is situate, and after the expiration of one month from the day on which that notice of the said appointment is given the powers of inspectors of weights and measures appointed by the justices of the county shall, as to such borough and the weights and measures of persons residing therein, cease: but until such notice is given the borough shall be deemed to form part of the said county in like manner as if the same were not a borough.

Where at the commencement of this Act legal local standards are provided and inspectors are appointed by the council of a borough not having a separate court of quarter sessions, that council shall continue to be the local authority until they otherwise resolve.

Expenses of local authority.

51. The expense of providing and re-verifying local standards, the salaries of the inspectors, and all other expenses incurred by the local authority under this Act shall be paid out of the local rate.

The treasurer of the county in which a borough in England having a separate court of quarter sessions is situate shall exclude from the account kept by him of all sums expended out of the county rate to which the borough is liable to contribute all sums expended in pursuance of this Act.

Power of local authorities to combine for purposes of Act.

52. Any two or more local authorities may combine, as regards either the whole or any part of the areas within their jurisdiction, for all or any of the purposes of this Act, upon such terms and in such manner as may be from time to time mutually agreed upon.

An inspector appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority jurisdiction and duties as if he had been appointed by each of the authorities who are parties to such agreement.

Power to local authority to make byelaws as to local verification, &c.

53. Any local authority from time to time, with the approval of the Board of Trade, may make, and when made, revoke, alter, and add to, byelaws for regulating the comparison with the local standards of such authority, and the verification and stamping of weights and measures in use in their county or borough, and for regulating the local comparison of the local standards of such authority, and generally for regulating the duties under this Act of the inspectors appointed by the local authority or of any of those inspectors. Such byelaws may

impose fines not exceeding twenty shillings for the breach of any byelaw, to be recovered on summary conviction. The Board of Trade before approving any such byelaws shall cause them to be published in such manner as they think sufficient for giving notice thereof to all persons interested. A.D. 1878

Appointment of inspectors in towns and other places.

54. Where a town or other place has been or may hereafter be authorised under any Act, whether local or otherwise, to appoint inspectors or examiners of weights and measures, or where any other place has been or may hereafter be, by charter Act of Parliament or otherwise, possessed of legal jurisdiction, and such town or place is for the time being provided with legal local standards, the magistrates of such town or place, or other persons authorised as aforesaid, may appoint inspectors of weights and measures within the limits of their jurisdiction, and suspend and dismiss such inspectors, and such inspectors shall within such limits exclusively have the same power and discharge the same duties as inspectors of weights and measures appointed under this Act by the local authority for the county, and shall pay over and account for the fees received by them under this Act, to such persons as may be duly authorised by the magistrates or other persons appointing them.

Power of vestry, &c. in Metropolis to put an end to appointment of inspectors of weights and measures under Local Act.

55. Where in any place in the Metropolis—that is to say, in the parishes and places in which the Metropolitan Board of Works have power to levy the consolidated rate—any vestry commissioners or other body have any duties or powers, under any Local Act charter or otherwise, in relation to the appointment of inspectors or examiners of weights and measures, such vestry commissioners or body may, at a meeting specially convened for the purpose of which not less than fourteen days notice has been given, resolve that it is expedient that their said duties and powers should cease in such place.

The clerk or other like officer of such vestry commissioners or body shall give notice of such resolution to the clerk of the peace for the county in which such place is situate, and the clerk of the peace shall lay such notice before the next practicable court of quarter sessions for the county, and after the receipt of such notice by the court of quarter sessions the appointment, and all powers of appointment, of any inspector or examiner appointed under such Local Act charter or otherwise, shall cease in the said place, without prejudice to any proceedings then pending for penalties or otherwise.

Legal Proceedings.

Prosecution of offences and

56. All offences under this Act may be prosecuted and all fines and forfeitures under this Act may be recovered on

A.D. 1878 summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Act.

recovery of fines.

The court when hearing and determining an information or complaint under this Act shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Provisions as to summary proceedings.

57. The following enactments shall apply to proceedings under this Act before a court of summary jurisdiction; that is to say,)

1. The description of any offence in the words of this Act, or in similar words, shall be sufficient in law; and
2. Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany in the same section the description of the offence, may be proved by the defendant but need not be specified or negatived in the information or complaint, and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant; and
3. A warrant of commitment shall not be held void by reason of any defect therein, if it be therein alleged that the offender has been convicted, and there is a good and valid conviction to sustain the same.
4. Such portion of any fine under this Act, not exceeding a moiety, as the court of summary jurisdiction before whom a person is convicted think fit to direct, may, if the court in their discretion so order, be paid to the informer.
5. All weights measures scales balances and steelyards forfeited under this Act shall be broken up, and the materials thereof may be sold or otherwise disposed of as a court of summary jurisdiction direct, and the proceeds of such sale shall be applied in like manner as fines under this Act.

Limitation as to conviction for second offences.

58. A person shall not be liable to any increased penalty for a second offence under any section of this Act unless that offence was committed after a conviction within five years previously for an offence under the same section.

Evidence as to possession.

59. Where any weight measure scale balance steelyard or weighing machine is found in the possession of any person carrying on trade within the meaning of this Act, or on the premises of any person which, whether a building or in the open air, whether open or enclosed, are used for trade within the meaning of this Act, such person shall be deemed for the

purposes of this Act, until the contrary is proved, to have such weight measure scale balance steelyard or weighing machine in his possession for use for trade. A.D. 1878

60. Any person who feels himself aggrieved by a conviction or order of a court of summary jurisdiction under this Act may appeal therefrom, subject in England to the conditions following; that is to say, Appeal from conviction.

(1.) The appeal shall be made to the next practicable court of general or quarter sessions having jurisdiction in the county or place in which the decision of the court was given, and holden not less than twenty-one days after the day on which such decision was given; and

(2.) The appellant shall, within ten days after the day on which the decision was given, serve notice on the other party and on the clerk of the court of summary jurisdiction of his intention to appeal, and of the general grounds of such appeal; and

(3.) The appellant shall, within three days after the day on which he gave notice of appeal, enter into a recognizance before a court of summary jurisdiction, with or without a surety or sureties as the court may direct, conditioned to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or the appellant may, if the court of summary jurisdiction thinks it expedient, instead of entering into a recognizance, give such other security, by deposit of money with the clerk of the court of summary jurisdiction or otherwise, as the court deems sufficient; and

(4.) Where the appellant is in custody a court of summary jurisdiction may, if it seem fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody; and

(5.) The court of appeal may adjourn the hearing of the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just; and

(6.) Whenever a decision is reversed by the court of appeal the clerk of the peace shall indorse on the conviction or order appealed against a memorandum that such conviction or order has been quashed, and whenever

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any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction or order; and

(7.) Every notice in writing required by this section to be given by an appellant may be signed by him, or by his agent on his behalf, and may be transmitted in a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of the post.

Provision as to action against person acting in execution of Act.

61. In an action for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, tender of amends before the action is commenced may in lieu of or in addition to any other plea be pleaded, if the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim. If the action is commenced after such tender, or is proceeded with after such payment, and the plaintiff does not recover more than the sum tendered or paid respectively, the plaintiff shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to his costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

III.—Miscellaneous.

Continuance of inquisition recorded for ascertaining rents and tolls payable.

62. Every inquisition which, in pursuance of any Act hereby repealed, has been taken for ascertaining the amount of contracts to be performed or rents to be paid in grain or malt, or in any other commodity or thing, or with reference to the measure or weight of any grain malt or other commodity or thing, and the amount of any toll rate or duty payable according to any weight or measure in use before the passing of the said Act, and has been enrolled of record in Her Majesty's Court of Exchequer, shall continue in force, and may be given in evidence in any legal proceeding, and the amount ascertained by such inquisition shall, when converted into imperial weights and measures, continue to be the rule of payment in regard to all such contracts rents tolls rates or duties.

Orders in Council.

63. It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes of this Act, and to revoke and vary any such Order.

All Orders in Council made under this Act shall be published in the London Edinburgh and Dublin Gazettes, and shall be forthwith laid before both Houses of Parliament, and shall have full effect as part of this Act. A.D. 1878

64. The schedules to this Act, with the notes thereto, shall be construed and have effect as part of this Act. Effect of schedules.

65. Where an enactment refers to any Act repealed by this Act, or to any enactment thereof, the same shall be construed to refer to this Act or to the corresponding enactment of this Act. Construction of Acts referring to repealed enactments.

Savings and Definitions.

66. Nothing in this Act shall affect the validity of the models of gas holders verified and deposited in the standards department of the Board of Trade in pursuance of the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter sixty-six, intituled "An "Act for regulating measures used in sales of gas," and of the Acts amending the same, and the provisions of this Act with respect to Board of Trade standards shall apply to such models; and the provisions of this Act with respect to defining the amount of error to be tolerated in local standards when verified or re-verified, shall apply to defining the amount of error to be tolerated in such copies of the said models of gas holders as are provided by any justices council commissioners or other local authority in pursuance of the said Acts. Saving as to models of gas holders under 22 & 23 Vict. c. 66.

67. Nothing in this Act shall extend to prohibit, defeat, injure, or lessen the rights granted by charter to the master, wardens, and commonalty of the mystery of Founders of the city of London. Saving as to rights of the Founders Company.

68. Nothing in this Act shall prohibit, defeat, injure, or lessen the right of the mayor and commonalty and citizens of the city of London, or of the Lord Mayor of the city of London for the time being, with respect to the stamping or sealing of weights and measures, or with respect to the gauging of wine or oil, or other gaugeable liquors. Saving as to London.

69. Nothing in this Act shall extend to supersede, limit, take away, lessen, or prevent the authority which any person or body politic or corporate, or any person appointed at any court leet for any hundred or manor, or any jury or ward inquest, may have or possess for the examining, regulating, seizing, breaking, or destroying any weights, balances, or measures within their respective jurisdictions, and for the purposes of this section the court of burgesses of the city of Westminster shall be deemed to be a body politic, and nothing in this Act shall be deemed to repeal or supersede the Acts Act not to abridge the power of the leet jury, &c.

A.D. 1878 relating to that court, or lessen, diminish, or alter the powers of the same.

Definitions: "Summary Jurisdiction Act:"

70. In this Act, unless the context otherwise requires,—

The expression "the Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties "of justices of the peace out of sessions within England "and Wales with respect to summary convictions and "orders," inclusive of any Acts amending the same:

"Court of summary jurisdiction:"

The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Act or any Acts therein referred to:

"Quarter sessions:"

The expression "quarter sessions" includes general sessions:

"Treasury:"

The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

"Person:"

The expression "person" includes a body corporate:

"Stamping:"

The expression "stamping" includes casting, engraving, etching, branding, or otherwise marking, in such manner as to be so far as practicable indelible, and the expression "stamp" and other expressions relating thereto shall be construed accordingly:

"Coin weight:"

The expression "coin weight" means a weight used or intended to be used for weighing coin:

"Weights and Measures Act, 1835."

The expression "Weights and Measures Act, 1835," means the Act of the fifth and sixth years of the reign of King William the Fourth, chapter sixty-three, intituled "An "Act to repeal an Act of the fourth and fifth year of His "present Majesty relating to weights and measures, and "to make other provisions instead thereof."

IV.—Application of Act to Scotland.

This Act shall apply to Scotland with the following modifications:

Application of imperial weights and measures to tolls, &c.

71. In the application of this Act to Scotland, the expression "rents and tolls" includes all stipends, feu duties, customs, casualties, and other demands whatsoever payable in grain, malt, or meal, or any other commodity or thing.

The fiars prices of all grain in every county shall be struck by the imperial quarter, and all other returns of the prices of

grain shall be set forth by the same, without reference to any other measure whatsoever. A.D. 1878

Any person who acts in contravention of this provision shall be liable to a fine not exceeding five pounds.

72. All offences under this Act which may be prosecuted, and all fines and forfeitures under this Act which may be recovered on summary conviction, may in Scotland be prosecuted or recovered, with expenses, before the sheriff or sheriff substitute or two or more justices of the peace of the county, or the magistrates of the burgh wherein the offence was committed or the offender resides, at the instance either of the procurator fiscal or of any person who prosecutes. Recovery and application of penalties.

Every person found liable in Scotland in any fine recoverable summarily under this Act shall, failing payment thereof immediate or within a specified time, as the case may be, and expenses, be liable to be imprisoned for a term not exceeding sixty days, and the conviction and warrant may be in the form number three of Schedule K. of the Summary Procedure Act, 1864. 27 & 28 Vict. c. 53.

All fines and forfeitures so recovered, subject to any payment made to the informer, shall be paid as follows:

(*a.*) To the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, when the court is the sheriff court:

(*b.*) To the collector of county rates, in aid of the county general assessment, when the court is the justice of the peace court:

(*c.*) To the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court:

(*d.*) To the treasurer of the board of police, or commissioners of police, in aid of the police funds, when the court is a police court.

73. An appeal against a conviction under this Act in Scotland shall be to the Court of Justiciary at the next circuit court, or where there are no circuit courts, to the High Court of Justiciary at Edinburgh, and not otherwise, and such appeal may be made in the manner and under the rules, limitations, and conditions contained in the Act of the twentieth year of the reign of King George the Second, chapter forty-three, intituled "An Act for taking away and abolishing heritable juris-" dictions in Scotland," or as near thereto as circumstances admit; with this variation, that the appellant shall find caution to pay the fine and expenses awarded against him by the conviction or order appealed from, together with any additional expenses awarded by the court dismissing the appeal. Appeal.

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Definitions as regards Scotland.

74. In the application of this Act to Scotland,—

The expression "enter into a recognizance" means grant a bond of caution:

The expression "any court of record" includes the Court of Session and the ordinary sheriff court:

The expression "burgh" shall include royal burgh and parliamentary burgh:

The expression "plaintiff" means pursuer, and the expression "defendant" means defender:

The expression "solicitor" means writer or agent:

The expression "Summary Jurisdiction Act" means the Summary Procedure Act, 1864, inclusive of any Act amending the same.

27 & 28 Vict. c. 53.

Power of sheriff.

75. A sheriff or sheriff substitute shall have the same power in relation to a local comparison of standards, and to the inspection comparison seizure and detention of weights and measures, and to entry for that purpose, as is given by this Act to a justice of the peace.

V.—Application of Act to Ireland.

This Act shall apply to Ireland with the following modifications:

Contracts to be made by denominations of imperial weight, otherwise to be void.

76. In Ireland every contract bargain sale or dealing—

For any quantity of corn, grain, pulses, potatoes, hay, straw, flax, roots, carcases of beef or mutton, butter, wool, or dead pigs, sold, delivered, or agreed for;

Or for any quantity of any other commodity sold, delivered, or agreed for by weight (not being a commodity which may by law be sold by the troy ounce or by apothecaries weight),

shall be made or had by one of the following denominations of imperial weight; namely,

the ounce avoirdupois;

the imperial pound of sixteen ounces;

the stone of fourteen pounds;

the quarter hundred of twenty-eight pounds;

the half hundred of fifty-six pounds;

the hundredweight of one hundred and twelve pounds;

or the ton of twenty hundredweight;

and not by any local or customary denomination of weight whatsoever, otherwise such contract bargain sale or dealing shall be void:

Provided always, that nothing in the present section shall be deemed to prevent the use in any contract bargain sale or

dealing of the denomination of the quarter, half, or other aliquot part of the ounce pound or other denomination aforesaid, or shall be deemed to extend to any contract bargain sale or dealing relating to standing or growing crops. A.D. 1878

77. In Ireland every article sold by weight shall, if weighed, be weighed in full net standing beam; and for the purposes of every contract bargain sale or dealing the weight so ascertained shall be deemed the true weight of the article, and no deduction or allowance for tret or beamage, or on any other account, or under any other name whatsoever, the weight of any sack vessel or other covering in which such article may be contained alone excepted, shall be claimed or made by any purchaser on any pretext whatever under a penalty not exceeding five pounds. Mode of weighing. Deductions prohibited.

A proceeding for the recovery of a penalty under this section shall be begun within three months after the offence is committed.

78. (1.) The local authority in Ireland shall provide one complete set of local standards for their county or borough; also so many copies in iron or other sufficient material of the local standards. Providing of local standards and sub-standards.

(2.) The said copies of the local standards when duly verified as herein-after mentioned shall be the local sub-standards, and shall be used for the verification of weights and measures brought by the public for verification as if they were local standards.

(3.) Not less than one set of local sub-standards, and one set of accurate scales, shall be provided for each petty sessions district in a county, and not less than two such sets shall be provided for a borough.

(4.) The local authority shall have the local standards from time to time duly compared and re-verified in manner directed by this Act.

(5.) The Commissioners of the Dublin Metropolitan Police shall not be under any obligation to provide local standards, but they may, with the assent of the chief secretary or under secretary to the Lord Lieutenant, procure such sub-standards scales and stamps as they think necessary for the purposes of this Act in the district for which they are the local authority.

79. In Ireland, in every year— Inquiry by judge of assize and chairman of quarter sessions as to provision of lo-

(*a.*) in the case of a county, the judge of assize at the first assizes held for the county by inquiry of the foreman of the grand jury; and

(*b.*) in the case of every borough in a county, the recorder of the borough, or, if there be no recorder, the

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chairman of the quarter sessions for that county, at the quarter sessions held next after the twenty-fifth day of March,

cal standards and sub-standards.

shall inquire whether one complete set of local standards, and a sufficient number of local sub-standards of weights and measures, and a sufficient number of scales and stamps (for verification), have been provided in such county or in such borough.

If it appear to the judge or chairman upon such inquiry that the same have not been so provided, he shall forthwith order the proper officer to provide a complete set of local standards and such sub-standards scales and stamps as appear to the judge or chairman making the order to be sufficient for the purposes of this Act, and that order shall have the effect in the case of a county of a presentment on the county for, and in the case of a borough, of an order on the council of the borough to raise by way of rate, the sum necessary to execute the order, and the said officer shall within three months after he receives the order fully execute the same, and in default shall be liable to a fine not exceeding twenty pounds.

The proper officer shall, in the case of a county, be the treasurer of the county, and in the case of a borough, the town clerk or other proper officer of the borough.

Expenses of ex-officio inspectors.

80. Expenses incurred by any member of the Royal Irish Constabulary as an ex-officio inspector of weights and measures in the execution of this Act shall be payable to such inspector by the person acting as treasurer of the local authority of the district on presentation of accounts of such expenses, to be furnished quarterly certified to be correct by the county inspector of the county.

The secretary of every grand jury being a local authority under this Act shall, at each assizes or presenting term, and the clerk of every other local authority shall once in every year lay before each such grand jury or other local authority an estimate of the sum which may appear to be necessary to meet such expenses until the next assizes or presenting term, or for the ensuing year; and every such grand jury or other local authority shall, without previous application to presentment sessions or other preliminary proceedings, present in advance to the person acting as treasurer the sum specified in such estimate, to be raised and paid out of the local rate; and if the sum so raised proves more than sufficient for the purpose, the balance shall be carried to the credit of the local rate by the person acting as treasurer, and if the sum so raised proves insufficient, the person acting as treasurer shall apply

for payment of such expenses any other available funds in his hands. A.D. 1878

Ex-officio inspectors of weights and measures.

81. Nothing in this Act shall authorise the local authority in Ireland, except the local authority of the borough of Dublin, to appoint inspectors of weights and measures, but such head or other constables in each petty sessions district as may be from time to time selected by the inspector general of constabulary, with the approval of the Lord Lieutenant, shall be ex-officio inspectors of weights and measures under this Act within that district, and shall perform their duties under this Act under the direction of the justices of petty sessions, without fee or reward, and notwithstanding any manorial jurisdiction or claim of jurisdiction within such district:

Provided that if within one month from the date of such selection the justices signify their disapproval of the selection of any head or other constable, another selection shall be made by the same authority, subject to the same conditions, and the inspector general of constabulary shall within three days after any selection has been made in a petty sessions district, give or cause to be given to the clerk of that district notice of such selection, and the clerk shall immediately make known the said selection to the justices of the district.

An ex-officio inspector of weights and measures may exercise without any authority from a justice of the peace, the powers given by this Act to an inspector of weights and measures having such authority.

In the district in which the commissioners of the Dublin metropolitan police are the local authority under this Act, such of the superintendents inspectors or acting inspectors of the said police as may be selected by the local authority with the approval of the Lord Lieutenant shall be ex-officio inspectors of weights and measures within the said district.

Custody and use of local standards.

82. The local standards of every county or borough in Ireland shall be in the custody of such sub-inspector of constabulary as may be from time to time appointed for that county or borough by the inspector general of constabulary, with the approval of the Lord Lieutenant.

Such sub-inspector shall, subject to such regulations as the inspector general of constabulary, with the approval of the Lord Lieutenant, from time to time makes, compare with the local standards in his custody, and adjust and verify the local sub-standards sent to him for the purpose, and when the same are correct shall stamp the same with a stamp of verification, and for the purpose of such verification and stamping, and of the verification of local standards, such sub-inspector of con-

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stabulary shall be deemed to be an inspector of weights and measures appointed under this Act.

Custody and periodical verification of local sub-standards.

83. The local sub-standards shall be deposited in the custody of the ex-officio inspector of weights and measures, and shall at least once in every year, and also at other times when required by the county inspector of constabulary of the county, or by the justices in petty sessions of the county, be compared with the local standards of the county and verified, and when so verified shall until the expiration of one year or any shorter period at which the next comparison of the same under this section is made be deemed to be local sub-standards and be valid local standards for the purpose of the comparison by way of verification or inspection of weights and measures under this Act.

The sub-standards provided by the commissioners of the Dublin metropolitan police shall be verified by comparison with the local standards of the city of Dublin, as directed by this section, with this qualification, that the said commissioners, and not the county inspector or the justices, shall have authority to require the same to be verified oftener than once a year.

Any person who uses any sub-standard for any purpose other than that authorised by this Act shall be liable to a fine not exceeding five pounds.

Recovery of fines, &c.

84. For the purpose of the prosecution of offences and the recovery of fines under this Act, in Ireland,—

(1.) The expression "Summary Jurisdiction Acts" in this Act means, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending or affecting the same; and

14 & 15 Vict. c. 93.

(2.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a stipendiary magistrate sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions; and

(3.) Appeals from a court of summary jurisdiction shall lie in the manner and subject to the conditions and regulations prescribed in the twenty-fourth section

of the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same. A.D. 1878

85. In this Act, unless the context otherwise requires, 14 & 15 Vict. c. 93. Definitions.

The expression "Lord Lieutenant" means the lieutenant or other chief governor or governors of Ireland for the time being:

The expression "treasurer" includes the finance committee and the secretary of the grand jury for the county of Dublin.

VI.—Repeal.

86. The Acts mentioned in the first part of the Sixth Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned; subject to the following qualification, that is to say, that so much of the said Acts as is set forth in the second part of that schedule shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this Act. Repeal

Provided that,—

(1.) Every inspector appointed in pursuance of any enactment hereby repealed shall continue in office as if he had been appointed in pursuance of this Act; and

(2.) Any person holding office as examiner of weights and measures under any enactment repealed by this Act, and not being an inspector of weights and measures within the meaning of this Act, shall continue in office and receive the same remuneration, and have the same powers and duties and be subject to the same liabilities and to the same power of dismissal as if this Act had not passed.

(3.) Every notice published in a Gazette in relation to coin weights in pursuance of any enactment hereby repealed shall continue in force.

(4.) All weights and measures duly verified and stamped in pursuance of any enactment hereby repealed, shall continue and be as valid as if they had been verified and stamped in pursuance of this Act, and that although such weights or measures could not have been verified and stamped in pursuance of this Act; and all weights and measures which at the commencement of this Act may lawfully be used without being stamped with a stamp of verification or a stamp of their denomination, and which are required by this Act to be stamped with such a stamp, may, not-

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withstanding they are not so stamped, be used until the expiration of six months after the commencement of this Act, without being subject to be seized or forfeited, and without rendering the person using or having possession of the same subject to any fine.

(5.) This repeal shall not affect—

(*a.*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; nor

(*b.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; nor

(*c.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*d.*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed; and

(6.) This repeal shall not revive any enactment, right, office, privilege, matter, or thing not in force or existing at the commencement of this Act.

SCHEDULES.

FIRST SCHEDULE.

Sections 4, 10, 13, 64.

PART I.

Imperial Standards.

The following standards were constructed under the direction of the Commissioners of Her Majesty's Treasury, after the destruction of the former imperial standards in the fire at the Houses of Parliament.

The imperial standard for determining the length of the imperial standard yard is a solid square bar, thirty-eight inches long and one inch square in transverse section, the bar being of bronze or gun-metal; near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being thirty-six inches) to the depth of half an inch, at the bottom of this hole is inserted in a smaller hole a gold plug or pin, about one tenth of an inch in diameter, and upon the surface of this pin there are cut three fine

lines at intervals of about the one hundredth part of an inch transverse to the axis of the bar, and two lines at nearly the same interval parallel to the axis of the bar; the measure of length of the imperial standard yard is given by the interval between the middle transversal line at one end and the middle transversal line at the other end, the part of each line which is employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as the centres of the said gold plugs or pins; and such bar is marked "copper 16 oz., tin 2½, zinc 1. Mr Baily's "metal. No. 1 standard yard at 62°.00 Fahrenheit. Cast in 1845. "Troughton & Simms, London." A.D. 1878

The imperial standard for determining the weight of the imperial standard pound is of platinum, the form being that of a cylinder nearly 1.35 inch in height and 1.15 inch in diameter, with a groove or channel round it, whose middle is about 0.34 inch below the top of the cylinder, for insertion of the points of the ivory fork by which it is to be lifted; the edges are carefully rounded off, and such standard pound is marked, P.S. 1844, 1 lb.

PART II.

Sections 5, 35, 64.

Parliamentary Copies of Imperial Standards.

The following copies of the standards above mentioned in part one of this Schedule were constructed at the same time as the above standards. They are of the same construction and form as the above standards, and they are respectively marked and deposited as follows:—

(1.) One of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper "16 oz., tin 2½, zinc 1. Mr Baily's metal. No. 2. Stand-"ard yard at 61°.94 Fahrenheit. Cast in 1845. Trough-"ton & Simms, London;" and one of the copies of the imperial standard for determining the imperial standard pound marked No. 1., P.C. 1844, 1 lb., have been deposited at the Royal Mint;

(2.) One other of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper 16 oz., tin 2½, zinc 1. Mr Baily's metal. "No. 3. Standard yard at 62°.10 Fahrenheit. Cast in "1845. Troughton & Simms, London," and one other of the copies of the imperial standard for determining the imperial standard pound marked No. 2., P.C. 1844, 1 lb., have been delivered to the Royal Society of London;

(3.) One other of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper 16 oz., tin 2½, zinc 1. Mr Baily's metal. "No. 5. Standard yard at 62°.16 Fahrenheit. Cast in 1845. "Troughton & Simms, London," and one other of the copies of the imperial standard for determining the imperial standard pound marked No. 3., P.C. 1844, 1 lb., have been deposited in the Royal Observatory of Greenwich;

A.D. 1878 (4.) The other of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper 16 oz., tin 2½, zinc 1. Mr Baily's metal. "No. 4. Standard yard at 61°.98 Fahrenheit. Cast in 1845. "Troughton & Simms, London," and the other of the copies of the imperial standard for determining the imperial standard pound marked No. 4., P.C. 1844, 1 lb., have been immured in the New Palace at Westminster.

Sections 8, 64.

SECOND SCHEDULE.

Board of Trade Standards.

Standards of the measures and weights following are at the commencement of this Act in use under the direction of the Board of Trade.

Measures of Length.	Measures of Capacity.
Denomination of Standard.	Denomination of Standard.
Measure of Length.	**Measures of Capacity.**
100 feet.	Bushel.
66 feet or a chain of 100 links.	Half-bushel.
Rod, pole, or perch.	Peck.
10 feet.	Gallon.
6 ,, or 2 yards.	Half-gallon.
5 ,,	Quart.
4 ,,	Pint.
3 ,, or 1 yard.	Half-pint.
2 ,,	Gill.
1 foot.	Half-gill.
1 inch divided into 12 duodecimal, 10 decimal, and 16 binary equal parts.	Quarter-gill.
	Measures used in the sale of drugs.
	Fluid ounces :— 4, 3, 2, 1.
	Fluid drachms :— 4, 3, 2, 1.
	Minims :— 30, 20, 10, 5, 4, 3, 2, 1.

Note.—The brass gallon marked "Imperial Standard Gallon, Anno Domini MDCCCXXIV., Anno V Gᵗᵛ Regis," which has a diameter equal to its height, and was made in pursuance of 5 Geo. 4. c. 74. s. 6., and is at the passing of this Act in the custody of the Warden of the Standards, shall be deemed to be a Board of Trade standard for the gallon.

WEIGHTS.

Denomination of Standard.	Denomination of Standard.	Denomination of Standard.
AVOIRDUPOIS WEIGHTS.	TROY BULLION WEIGHTS.	DECIMAL GRAIN WEIGHTS.
56 pounds.	500 ounces.	4,000 grains.
28 „	400 „	2,000 „
14 „	300 „	1,000 „
7 „	200 „	500 „
4 „	100 „	300 „
2 „	50 „	200 „
1 pound.	40 „	100 „
8 ounces.	30 „	50 „
4 „	20 „	30 „
2 „	10 „	20 „
1 ounce.	5 „	10 „
8 drams.	4 „	5 „
4 „	3 „	3 „
2 „	2 „	2 „
1 dram.	1 ounce.	1 „
½ „	0.5 „	0.5 grain.
240 grains, commonly called 10 pennyweights.	0.4 „	0.3 „
	0.3 „	0.2 „
	0.2 „	0.1 „
120 grains, commonly called 5 pennyweights.	0.1 „	0.05 „
	0.05 „	0.03 „
	0.04 „	0.02 „
72 grains, commonly called 3 pennyweights.	0.03 „	0.01 „
	0.02 „	
	0.01 „	
48 grains, commonly called 2 pennyweights.	0.005 „	
	0.004 „	
	0.003 „	
24 grains, commonly called 1 pennyweight.	0.002 „	
	0.001 „	

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COIN WEIGHTS.

Denomination of Coin.	Standard Weight.	
	Imperial Weight.	Metric Weight.
GOLD :	Grains.	Grams.
Five pound . .	616.37239	39.94028
Two pound . .	246.54895	15.97611
Sovereign . .	123.27447	7.98805
Half-sovereign .	61.63723	3.99402
SILVER :		
Crown . . .	436.36363	28.27590
Half-Crown . .	218.18181	14.13795
Florin . . .	174.54545	11.31036
Shilling . . .	87.27272	5.65518
Sixpence . .	43.63636	2.82759
Groat or fourpence	29.09090	1.88506
Threepence . .	21.81818	1.41379
Twopence . .	14.54545	0.94253
Penny . . .	7.27272	0.47126
BRONZE :		
Penny . . .	145.83333	9.44984
Halfpenny . .	87.50000	5.66990
Farthing . .	43.75000	2.83495

THIRD SCHEDULE.

Sections 18, 64.

PART I.

METRIC EQUIVALENTS.

TABLE of the Values of the Principal Denominations of Measures and Weights on the Metric System expressed by means of Denominations of Imperial Measures and Weights, and of the Values of the Principal Denominations of Measures and Weights of the Imperial System expressed by means of Metric Weights and Measures.

MEASURES OF LENGTH.

Metric Denominations and Values.		Equivalents in Imperial Denominations.			
	Metres.	Miles.	Yards.	Feet.	Ins. Decimals.
Myriametre . .	10,000	6 or	376	0	11.9
			10,936	0	11.9
Kilometre . . .	1,000		1,093	1	10.79
Hectometre . .	100		109	1	1.079
Dekametre . .	10		10	2	9.7079
Metre . . .	1		1	0	3.3708
Decimetre . . .	$\frac{1}{10}$				3.9371
Centimetre . .	$\frac{1}{100}$				0.3937
Millimetre . . .	$\frac{1}{1000}$				0.0394

MEASURE OF SURFACE.

Metric Denominations and Values.		Equivalents in Imperial Denominations.		
	Square Metres.	Acres.	Square Yards.	Decimals.
Hectare, i.e. 100 Ares .	10,000	2 or	2280.3326 11,960.3326	
Dekare, i.e. 10 Ares .	1,000		1,196.0333	
Are, ...	100		119.6033	
Centiare, i.e. $\frac{1}{100}$-Are .	1		1.1960	

MEASURES OF CAPACITY.

Metric Denominations and Values.		Equivalents in Imperial Denominations.					
	Cubic Metres.	Quarters.	Bushels.	Pecks.	Gallons.	Quarts.	Pints. Decimals.
Kilolitre, i.e. 1,000 Litres .	1	3	3	2	0	0	0.77
Hectolitre, i.e. 100 Litres .	$\frac{1}{10}$		2	3	0	0	0.077
Dekalitre, i.e. 10 Litres .	$\frac{1}{100}$			1	0	0	1.6077
Litre	$\frac{1}{1000}$						1.76077
Decilitre, i.e. $\frac{1}{10}$-Litre .	$\frac{1}{10000}$						0.176077
Centilitre, i.e. $\frac{1}{100}$-Litre .	$\frac{1}{100000}$						0.0176077

WEIGHTS.

Metric Denominations and Values.		Equivalents in Imperial Denominations.				
	Grams.	Cwts.	Stones.	Pounds.	Ounces.	Drams. Decimals.
Millier .	1,000,000	19	5	6	9	15.04
Quintal .	100,000	1	7	10	7	6.304
Myriagram .	10,000		1	8	0	11.8304
Kilogram .	1,000	(or 15432.3487 grains)		2	3	4.3830
Hectogram .	100				3	8.4383
Dekagram .	10					5.6438
Gram . .	1					0.56438
Decigram .	$\frac{1}{10}$					0.056438
Centigram .	$\frac{1}{100}$					0.0056438
Milligram .	$\frac{1}{1000}$					0.00056438

MEASURES OF LENGTH.

Imperial Measures.	Equivalents in Metric Measures.			
	Millimetre.	Decimetre.	Metre.	Kilometre.
Inch	= 25.39954			
Foot or 12 inches	—	=3.04794	= 0.30479	
YARD, or 3 feet, or 36 inches	—	—	= 0.91438	
Fathom, or 2 yards, or 6 feet	—	—	= 1.82877	
Pole or 5½ yards	—	—	= 5.02911	
Chain, or 4 poles, or 22 yards	—	—	= 20.11644	
Furlong, 40 poles, or 220 yards.	—	—	= 201.16437	=0.20116
Mile, 8 furlongs, or 1,760 yards.		—	=1,609.31493	=1.60931

MEASURES OF SURFACE.

Imperial Measures.	Equivalents in Metric Measures.			
	Square Decimetres.	Square Metres.	Ares.	Hectares.
Square inch	= 0.06451			
Square foot or 144 square inches.	= 9.28997	= 0.092900		
Square yard, or 9 square feet, or 1,296 square inches.	= 83.60971	= 0.836097		
Pole or perch, or 30¼ square yards.	—	= 25.291939		
Rood, or 40 perches, or 1,210 square yards.	—	—	= 10.116776	
ACRE, or 4 roods, or 4,840 square yards.	—	—	—	= 0.40467
Square mile or 640 acres.	—	—	—	= 258.98945

MEASURES OF CAPACITY.

Imperial Measures.	Equivalents in Metric Measures.			
	Decilitres.	Litres.	Dekalitres.	Hectolitres.
Gill	= 1.41983	= 0.14198		
Pint or 4 gills	= 5.67932	= 0.56793		
Quart or 2 pints	—	= 1.13587		
GALLON or 4 quarts	—	= 4.54346		
Peck or 2 gallons	—	= 9.08692	= 0.90869	
Bushel, or 8 gallons, or 4 pecks.	—	—	= 3.63477	
Quarter or 8 bushels	—	—	—	= 2.90781

CUBIC MEASURE.

Imperial Measures.	Equivalents in Metric Measures.		
	Cubic Centimetres.	Cubic Decimetres.	Cubic Metres.
Cubic inch	16.38618		
Cubic foot or 1,728 cubic inches	—	28.31531	
Cubic yard or 27 cubic feet .	—	—	0.76451

WEIGHTS.

Imperial Weights.	Equivalents in Metric Weights.			
	Grams.	Dekagrams.	Kilograms.	Millier or Metric Ton.
Grain . . .	= 0.06479895			
Dram . . .	= 1.77185			
Ounce, avoirdupois, or 16 drams, or 437.5 grains.	= 28.34954	= 2.83495		
POUND, or 16 ounces, or 256 drams, or 7,000 grains.	= 453.59265	= 45.35927	= 0.45359	
Hundredweight or 112 lbs.	—	—	= 50.80238	
Ton or 20 cwt. . .	—	—	= 1016.04754	= 1.01605
Ounce, troy, or 480 grains.	= 31.103496	= 3.11035		

PART II.

Sections 38, 64.

METRIC STANDARDS.

List of metric standards in the custody of the Board of Trade at the passing of this Act :—

Measures of Length.

Double metre or 2 metres.
METRE or 1 metre.
Decimetre or 0.1 ,,
Centimetre or 0.01 ,,
Millimetre or 0.001 ,,

Weights.

20, 10, 5, 2 kilograms.
KILOGRAM.
500, 200, 100, 50, 20, 10, 5, 2, 1 grams.
5, 2, 1 decigrams.
5, 2, 1, 0.5 milligrams.

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Measures of Capacity.

20, 10, 5, 2 litres.

Litre.		
0.5	litre or 500	cubic centimetres.
0.2	„ 200	„
0.1	„ 100	„
0.05	„ 50	„
0.02	„ 20	„
0.01	„ 10	„
0.005	„ 5	„
0.002	„ 2	„
0.001	„ 1	„

Sections 40, 50, 64.

FOURTH SCHEDULE.

Local Authorities.

ENGLAND.

Area.	Local Authority.	Local Rate.
County	The justices in general or quarter sessions assembled.	The county rate.
County of the city of London.	The court of the Lord Mayor and aldermen of the city.	The consolidated rate.
Borough . . .	The mayor, aldermen, and burgesses acting by the council.	The borough fund and borough rate.

SCOTLAND.

County	The justices in general or quarter sessions assembled.	The county general assessment.
Burgh	The magistrates .	The police assessment.

IRELAND. A.D. 1878

County	The grand jury acting at any assizes or presenting term.	The presentments to be made by the grand jury.
Such portion of the police district of Dublin metropolis as is without the municipal boundary of the borough of Dublin.	The Commissioners of the Dublin metropolitan police.	The funds applicable to defray the expenses of the Dublin metropolitan police.
Borough	Town Council .	Rate to be levied by the council, or if the borough is liable to county cess and no rate is levied in the borough, the county cess of the county in which the borough or the larger part thereof is situate.

Notes.

For the purposes of this schedule—

The expression "county," as regards England, does not include a county of a city or a county of a town, but includes every riding, division, or parts of a county having a separate court of quarter sessions. The Soke of Peterborough shall be deemed to be a county, but every other liberty of a county not forming part of the City of London shall be deemed to form part of the county in which the same is situate or which it adjoins, and if it adjoins more than one county, then of the county with which it has the longest common boundary.

The expression "borough," as regards England, means any place for the time being subject to the Municipal Corporation Act, 1835, and any Act amending the same, which has a separate commission of the peace.

The expression "county," as regards Ireland, includes a riding and a county of a city and a county of a town.

The county of Dublin shall be deemed not to include any portion of the police district of Dublin metropolis.

The two constabulary districts of the county of Galway shall respectively be deemed to be counties for the purposes of this Act.

The expression "borough," as regards Ireland, means any borough or town corporate.

In the borough of Dublin the rate to be levied by the council shall mean the improvement rate.

No. 26 (Pub. Gen. Statutes, 1878—Scotland.)

A.D. 1878

FIFTH SCHEDULE.

Sections 47, 64.

Fees of Inspectors.

The following fees are the maximum fees which, unless altered as authorised by this Act, may be taken by any inspector of weights and measures appointed under this Act.

	s.	d.
For comparing and stamping all brass weights :—		
Each half hundredweight	0	9
Each quarter of a hundredweight	0	6
Each stone	0	4
Each weight under a stone to a pound inclusive	0	1
Each weight under a pound	0	$0\frac{1}{2}$
Each set of weights of a pound and under	0	2
For comparing and stamping all iron weights, or weights of other descriptions not made of brass :—	s.	d.
Each half hundredweight	0	3
Each quarter of a hundredweight	0	2
Each stone	0	1
Each weight under a stone	0	$0\frac{1}{2}$
Each set of weights of a pound and under	0	2
For comparing and stamping all wooden measures :—	s.	d.
Each bushel	0	3
Each half bushel	0	2
Each peck, and all under	0	1
Each yard	0	$0\frac{1}{2}$
For comparing and stamping all measures of capacity of liquids made of copper or other metal :—	s.	d.
Each four gallon	0	9
Each two gallon	0	4
Each gallon	0	2
Each half gallon	0	1
Each quart and under	0	$0\frac{1}{2}$

SIXTH SCHEDULE.

Sections 64, 86.

First Part.

Enactments repealed.

A description or citation of a portion of an Act is inclusive of the word, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

Portions of Acts which have already been specifically repealed are in some instances included in the repeal in this schedule, in order to preclude henceforth the necessity of looking back to previous Acts.

Session and Chapter.	Title or short title of Act.	Extent of Repeal.
31 Edw. 3. st. 1.	The statute made at Westminster on the Monday next after the feast of Easter, in the thirty-first year, statute the first.	Chapter two.
6 Anne, c. 11. (5 & 6 Anne, c. 8. in Ruffhead.)	An Act for the union of the two kingdoms of England and Scotland.	Article seventeen.
15 Geo. 2. c. 20.	An Act to prevent the counterfeiting of gold and silver lace, and for settling and adjusting the proportions of fine silver and silk, and for the better making of gold and silver thread.	Section five.
35 Geo. 3. c. 102.	An Act for the more effectual prevention of the use of defective weights, and of false and unequal balances.	The whole Act.
36 Geo. 3. c. 85.	An Act for the better regulation of mills.	Section one from "and any person "or persons appointed" down to "with respect "to weights and "balances," and from "and every "miller or other "person as aforesaid, in whose "mill shall be "found any "weight or "weights" to the end of the section.
37 Geo. 3. c. 143.	An Act to explain and amend an Act made in the thirty-fifth year of the reign of His present Majesty, intituled "An "Act for the more effectual prevention of "the use of defective "weights and of false "and unequal balances."	The whole Act.

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Session and chapter.	Title or short title of Act.	Extent of repeal.
55 Geo. 3. c. 43.	An Act for the more effectual prevention of the use of false and deficient measures.	The whole Act.
5 Geo. 4. c. 74.	An Act for ascertaining and establishing uniformity of weights and measures.	The whole Act, except section twenty-five.
6 Geo. 4. c. 12.	An Act to prolong the time of the commencement of an Act of the last session of Parliament for ascertaining and establishing uniformity of weights and measures, and to amend the said Act.	The whole Act.
5 & 6 Will. 4. c. 63.	An Act to repeal an Act of the fourth and fifth year of His present Majesty relating to weights and measures, and to make other provisions instead thereof.	The whole Act.
16 & 17 Vict. c. 29.	An Act for regulating the weights used in sales of bullion.	The whole Act.
16 & 17 Vict. c. 79.	An Act for making sundry provisions with respect to municipal corporations in England	Section five.
18 & 19 Vict. c. 72.	An Act for legalising and preserving the restored standards of weights and measures.	The whole Act.
22 & 23 Vict. c. 56.	An Act to amend the Act of the fifth and sixth years of King William the Fourth, chapter sixty-three, relating to weights and measures.	The whole Act.
23 & 24 Vict. c. 119.	An Act to amend the law relating to weights and measures in Ireland.	The whole Act.
24 & 25 Vict. c. 75.	An Act for amending the Municipal Corporations Act.	Section six.

Session and chapter.	Title or short title of Act.	Extent of repeal.
25 & 26 Vict. c. 76.	The Weights and Measures (Ireland) Amendment Act, 1862.	The whole Act, except section two, and Part three and so much of Part four as relates to Part three.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.	Section one hundred and one.
27 & 28 Vict. c. 117.	The Metric Weights and Measures Act, 1864.	The whole Act.
29 & 30 Vict. c. 82.	An Act to amend the Acts relating to the standard weights and measures, and to the standard trial pieces of the coin of the realm.	The whole Act.
30 & 31 Vict. c. 94.	An Act to provide for the inspection of weights and measures and to regulate the law relating thereto, in certain parts of the police district of Dublin metropolis.	The whole Act.
33 & 34 Vict. c. 10.	The Coinage Act, 1870.	Section seventeen, from the beginning of the section down to "weight of and "for weighing "such coin," and from "all weights "which are not "less in weight" to the end of the section.

Second Part.

Enactments re-enacted.

5 & 6 Will. 4. c. 63. s. 9.

Sale of coals by weight and not by measure.

All coals, slack, culm, and cannel of every description shall be sold by weight, and not by measure. Every person who sells any coals, slack, culm, or cannel of any description by measure, and not

A.D. 1878 by weight, shall be liable on summary conviction to a fine not exceeding forty shillings for every such sale.

5 & 6 Will. 4. c. 63. s. 26.

Supply of weigh-masters in Ireland with scales, and copies of local standards.

In Ireland, in every city or town, not being a county of itself, every person, persons, or body corporate exercising the privilege of appointing a weigh-master, shall supply him with accurate scales, and with an accurate set of copies of the local standards, and in default shall be liable on summary conviction to a fine of twenty pounds, and the accuracy of such set of copies shall be certified under the hand of some inspector of weights and measures. They shall also, once at least in every five years, cause such copies to be readjusted by comparison with some local standards which have been verified by the Board of Trade, and in default shall be liable on summary conviction to a fine of five pounds.

Such set of copies shall for the purpose of comparison and verification be considered local standards, and shall be used for no other purpose whatever, and if they are so used the person using the same shall be liable on summary conviction to a fine of five pounds.

22 & 23 Vict. c. 56. ss. 6, 8, 12.

Owners of markets to provide scales, &c.

The owners or managers of any public market in Great Britain where goods are exposed or kept for sale shall provide proper scales and balances and weights and measures or other machines, for the purpose of weighing or measuring all goods sold, offered, or exposed for sale in any such market, and shall deposit the same at the office of the clerk or toll collector of such market, or some other convenient place, and shall have the accuracy of all such scales and balances and weights and measures or other machines tested at least twice in every year by the inspector of weights and measures of and for the county, borough, or place where the market is situate ;

All expenses attending the purchase, adjusting, and testing thereof shall be paid out of the moneys collected for tolls in the market ;

Such clerk or toll collector shall at all reasonable times, whenever called upon so to do, weigh or measure all goods which have been sold, offered, or exposed for sale in any such market, upon payment of such reasonable sum as may from time to time be decided upon by the said owners or managers, subject to the approval and revision of the justices in general or quarter sessions assembled if such market be in England, or of the sheriff if it be in Scotland ;

For every contravention of this section the offender shall be liable, on summary conviction, to a fine not exceeding five pounds.

22 & 23 Vict. c. 56. ss. 7, 8, 12.

Power to clerks of markets to

Every clerk or toll collector of any public market in Great Britain, at all reasonable times, may weigh or measure all goods sold, offered or exposed for sale in any such market ; and if upon such weighing

or measuring any such goods are found deficient in weight or measure or otherwise contrary to the provisions of this Act, such clerk or toll collector shall take the necessary proceedings for recovering any fine, to which the person selling, offering, or exposing for sale, or causing to be sold, offered, or exposed for sale, such goods, is liable, and the court convicting the offender may award out of the fine to such clerk or toll collector such reasonable remuneration as to the court seems fit. A.D. 1878 inspect goods sold, &c., and if weighing found deficient to summon the offender.

For every offence against or disobedience to this section the offender shall be liable on summary conviction to a fine not exceeding five pounds.

CHAPTER 50.

An Act to amend the County of Hertford and Liberty of St Alban Act, 1874.—[*8th August* 1878.

ROADS AND BRIDGES (SCOTLAND) ACT, 1878.

[41 & 42 Vict. Ch. 51.]

ARRANGEMENT OF SECTIONS.

Section.
1. Short title, and commencement of Act.
2. Extent of Act.
3. Interpretation.

Continuance of existing Local Acts.

4. Existing local Acts to continue to 1st June 1883.
5. Certain local Acts continued till adoption of Act.

Adoption of the Act.

6. How Act may be adopted in counties.
7. Provision for case of one county adopting and another county not adopting Act.
8. Act may be adopted subject to provisional agreement between county and burgh. Confirmation by Secretary of State.
9. Power to apply to Secretary of State for provisional order to be confirmed by Parliament.
10. Costs to be awarded in certain cases.

Road Authorities in Counties and Burghs.

11. Management and maintenance of highways in counties to be in county road trustees, and in burghs in burgh local authority.

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Appointment of County Road Trustees, Board, and Committees.

Section.
12. Appointment of county road trustees.
13. Mode of election by ratepayers.
14. Trustees designated and incorporated.
15. Appointment of county road board.
16. County to be divided into districts, and district committees appointed.
17. Appeal to Secretary of State as to formation of districts.
18. Islands to be districts.
19. Occasional vacancies to be supplied.
20. Failure to elect not to invalidate acts of trustees.

Meetings of Trustees, Board, and Committee.

21. Time and place of general meetings of the trustees.
22. Meetings of board and district committees.
23. Quorum at meetings of trustees, board, and committee.

General Regulations for conducting the Business of Meetings.

24. Regulations as to meetings and proceedings of trustees, board, and district committees.
25. Chairman to be elected, in absence of ordinary chairman.
26. District committees and board to make reports.
27. Appeal from decision of district committee.

Appointment of Officers.

28. Appointment of county officers.
29. Appointment of district officers.
30. Salaries of county road officials. Allocation of general expenditure.
31. Former officers to continue till removed.

General Management in Counties and Burghs.

32. Consolidation of trusts.
33. Abolition of tolls, statute labour, causeway mail, &c.
34. Rate may be levied within burghs in lieu of causeway mail abolished.
35. Application of tolls and statute labour money at present leviable.
36. Trustees to purchase pontages, &c.
37. Roads formerly turnpike not wholly situated in one county or burgh.
38. Bridge (not formerly turnpike) not wholly situated in one county or burgh.
39. Appointment and powers of joint bridge committee.
40. Detached parts of counties to form part of the county by which they are surrounded.
41. List of highways to be made up. Alteration of list.
42. Highways may cease to be such, and other roads may become highways.
43. A highway ceasing to be a highway may be shut up.
44. Toll-houses to be first offered to adjoining proprietors.
45. Provision for footpaths.
46. Boundaries of burghs.
47. Local authority to have management of roads within burghs.
48. Burgh within county where Act not in force may, by agreement or otherwise, assume management, &c. of highways within it.

Maintenance and Repair of Highways and Assessments therefor.

Section.
49. Report on condition of highways, and estimate cost of maintenance.
50. Board to meet and consider reports.
51. Roads or highways may be shut up for repairs.
52. Assessments in counties for management, maintenance, and repair.
53. Maintenance of bridges in two districts.
54. Assessment in burghs for maintenance and repair.
55. Former modes of assessment may be retained in certain burghs.

Contracts by Road Authorities.

56. Power for road authorities to make contracts in respect of repair of roads, highways, or bridges.

Extraordinary Traffic.

57. Power of road authority to recover expenses of extraordinary traffic.

Construction of new Roads and Bridges.

58. New roads and bridges may be constructed by the board, and assessed for upon proprietors.

Valuation and Allocation of Debt.

59. Appointment of Debt Commissioners.
60. Clerks of trusts to make out list of debts.
61. Intimation to creditors.
62. Revised list of debts to be made up.
63. Revised list to be open to inspection.
64. Debts affecting counties and burghs may be compromised.
65. Valuation of debts.
66. Allocation of debts on roads in two or more counties.
67. Allocation of debts between landward parts of counties and burghs.
68. Debts to be charged against counties and burghs, and to bear interest. Certificates of debt to be granted.
69. Extinction of debts not charged in terms of Act.
70. Certain road debts may be charged on entailed estates by bond and disposition in security.

Provisions for Payment of Debt.

71. Payment of interest under the provisions of this Act.
72. Trustees and burgh local authority to resolve to pay off debt.
73. Payment and discharge of debts.
74. Assessment for payment of debt.
75. Trustees and burgh local authority may borrow on security of assessments.
76. Loans to be repaid out of assessments imposed under authority of Act.
77. Provision for protection of lenders on security of assessments.
78. Trustees and burgh local authority may pay off loans, and borrow money for that purpose.
79. Unclaimed instalments to be consigned.
80. Sums payable to persons under disability may be consigned.
81. Saving as to loan to Mull district of Argyllshire.

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General Provisions as to Assessments.

Section.
82. Terms at which assessments shall be payable.
83. Collection of assessments.
84. Board to hear appeals.
85. Power to recover assessments imposed by trustees.
86. Assessments in burghs, how to be levied and recovered.
87. Burgh may apply certain funds to maintenance of roads in lieu of assessments.

Special Provisions as to certain Bridges.

88. As to cost of maintaining, &c. certain bridges.

Special Provisions for Highways in Counties of Lanark and Renfrew.

89. Special provisions for highways in counties of Lanark and Renfrew.

Special Provisions as to highways partly in England.

90. As to cost of maintaining, &c. highways partly in England.

Miscellaneous Special Provisions.

91. Certain existing districts to be deemed counties.
92. County of Lanark to be deemed and taken to be three counties in the sense of this Act.
93. As to certain bridges and ferries in Dumbartonshire.
94. Transfer of undertaking of City of Edinburgh Road Trust to corporation of the city. Property vested. Deeds, &c. to be valid. Officers.
95. As to a bridge in Elginshire.
96. Provision as to adoption of Act in the county of Haddington.
97. Ayr Bridge Act, 1877, reserved.
98. Provisions for debts contracted under the Forfarshire Roads Act, 1874.
99. Saving of Acts transferring roads to the local authority of the burgh of Dundee.
100. Saving annuity by North British Railway Company to burgh of Burntisland.
101. Saving as to Leith harbour.
102. Continuing in force provisions of local Acts with respect to buildings, &c. on sides of roads.
103. Powers to trustees to increase assessments.

Bye Laws.

104. Trustees to have power to make byelaws.

Miscellaneous.

105. Authentication of documents relating to the execution of Act.
106. Minutes of trustees, &c. to be receivable in evidence.
107. Actions now pending transferred to trustees under Act.
108. Former trustees to account for moneys and deliver up books.
109. Books of former trustees to be evidence.
110. Trustees not to incur personal liability.
111. Trustees not to hold any office of profit or participate in profits of any contract.

Section.
112. No person holding office to participate in profits of any contract.
113. Trustee may act as sheriff or justice.
114. Moneys to be lodged in bank.
115. Cheques on bank account of trustees or board.
116. Cheques on bank account of district committee.
117. Execution of bonds and other securities.
118. Mortgages to be personal estate.
119. Application of moneys not otherwise appropriated.
120. Audit of accounts.
121. Annual reports.
122. Repeal of Acts.
123. Incorporation of parts of General Turnpike Act.
124. Recovery and application of penalties.
SCHEDULES.

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CHAPTER 51.

An Act to alter and amend the Law in regard to the Maintenance and Management of Roads and Bridges in Scotland.—[*8th August* 1878.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title, and commencement of Act.

1. This Act may be cited for all purposes as the Roads and Bridges (Scotland) Act, 1878, and, except in so far as otherwise expressly provided, it shall commence and take effect in each county (including the burghs wholly or partly within the same) from the date of its adoption therein, as herein-after provided for.

Extent of Act.

2. This Act shall apply to Scotland only, except in so far as otherwise expressly provided.

Interpretation.

3. In this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

"The Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State:

"Sheriff" shall include sheriff-substitute:

"The trustees" shall mean the county road trustees appointed and acting under this Act:

"The board" shall mean the county road board appointed and acting under this Act:

"The district committee" shall mean the district road committee appointed and acting in any district under this Act:

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"Clerk," "treasurer," "collector," and "surveyor," shall respectively mean the county road clerk, the county road treasurer, the county road collector, and the county road surveyor, appointed and acting for the time being under this Act:

"County" shall mean (except where otherwise expressly provided) the county exclusive of any burgh wholly or partly situate therein, and shall not include a county of a city.

"Burgh" shall mean and include royal burgh, parliamentary burgh, or any populous place the boundaries whereof have been fixed and ascertained under the provisions of the General Police and Improvement (Scotland) Act, 1862, or of the Act first therein recited, or have been determined by or under any local Act, provided that the population of such populous place, as the same may be ascertained as nearly as possible in the manner described in the seventh clause of the General Police and Improvement (Scotland) Act, 1862, within three months after this Act commencing to have effect therein, exceeds five thousand:

25 & 26 Vict. c. 101.

25 & 26 Vict. c. 101.

"Police burgh" shall mean every such populous place, the population of which shall not have been ascertained in manner aforesaid to exceed five thousand:

"Burgh local authority" or "local authority of any burgh" shall mean the town council, commissioners of police, or other local authority having the management and control of the streets, and the power to levy assessments in respect thereof, in any burgh, under or in virtue of any general or local Act or of this Act:

"Parish" shall include united parish, but it shall be exclusive of any burgh or police burgh wholly or partly situated within a parish:

"Turnpike road" shall include all roads and bridges forming part of any turnpike road trust and all bridges under the management of any separate bridge trust:

"Statute labour" shall include moneys raised as the conversion of statute labour, or in lieu thereof, and bridge money:

"Statute labour road" shall include all roads and bridges maintained by statute labour:

"Highway" shall mean and include all existing turnpike roads, all existing statute labour roads, all roads maintained under the provisions of the Highland Roads and Bridges Act, 1862, and all bridges forming part of any highway, and all other roads when declared to be highways under the provisions of this Act, all public streets and roads within any burgh or police burgh not at the

25 & 26 Vict. c. 105.

commencement of this Act vested in the local authority thereof, but shall not include any street or road so vested, or any street or road or bridge which any person is at the commencement of this Act bound to maintain at his own expense:

"Bridge" shall include the accesses thereof, but shall not include any bridge which any person is, at the commencement of this Act, bound to maintain at his own expense:

"Tolls" shall include pontages; and also any sum payable in respect of any exemption from or relinquishment of tolls:

"Causeway-mail" shall include through customs and all exactions of whatever kind, and also any sum or duty payable or leviable in lieu or satisfaction thereof or in respect of any exemption therefrom, other than tolls or assessments, made or which may be made in respect of the use of or passage over the streets or roads within any burgh, but shall not include petty customs or any sum or duty as aforesaid except in so far as they are exacted payable or leviable in respect of goods, articles, things, or animals passing or carried through such burgh:

"Proprietor" and "lands and heritages" shall have the same meanings as are attached thereto respectively in the Act passed in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, intituled "An Act for the valuation of lands and heritages in Scotland;" and the expression "the valuation roll" shall mean the valuation roll in force for the time in any county or burgh, as the case may be, made up under the authority of the said Act, or any other Act relating to the valuation of lands and heritages in Scotland:

17 & 18 Vict. c. 91.

"Person" shall include corporation, incorporated company, commissioners, or trustees (not being county road trustees):

"Ratepayer" shall mean any person (not being a commissioner of supply) being of full age and not subject to any legal incapacity, whose name appears as proprietor, tenant, or occupier of lands and heritages entered on the valuation roll for the county as of the annual value of four pounds and upwards, or as joint proprietor, tenant, or occupier of lands and heritages entered on such roll of an annual value which, when divided by the number of such joint proprietors, tenants, or occupiers, yields a quotient of four pounds and upwards:

"Debt Commissioner" shall mean a Debt Commissioner appointed for the purposes of this Act:

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"Local newspaper" shall mean any newspaper circulating in the county or burgh as the case may be:

Where in this Act notice is required to be given by "special advertisement," such notice shall be published once in at least two local newspapers.

Continuance of existing Local Acts.

Existing Local Acts to continue to 1st June 1883.

4. All Local Acts now in force for regulating, managing, making, maintaining, or repairing any turnpike road or statute labour road, or other highway situated or partly situated in any county (including the burghs wholly or partly within the same) in which tolls and statute labour, or either thereof, have not been abolished, shall continue in force until the first day of June one thousand eight hundred and eighty-three, and no longer, unless in the meantime this Act shall be adopted, or tolls and statute labour shall be legally abolished, in such county.

From and after the time at which any such Act or Acts shall cease to be in force in any county (including as aforesaid), this Act shall, unless Parliament otherwise provides, commence to have effect therein.

Where any Act relates to a turnpike road which is situated in more than one county, notwithstanding that such Act has ceased, in terms of this Act, to be in force in one county in which such road is situated, it may nevertheless continue to be in force in the other county or counties in which such road is situated.

25 & 26 Vict. c. 105.

For the purposes of this Act the Highland Roads and Bridges Act, 1862, shall be deemed and taken to be a Local Act, except in so far as it relates to piers and quays.

Provided always, that nothing contained in this Act shall have the effect of continuing in force the provisions of the Act passed in the ninth and tenth years of the reign of Her present Majesty, intituled "An Act for repairing certain roads in the "counties of Banff, Aberdeen, and Elgin," after the end of the next session of Parliament.

9 & 10 Vict. c. cexxvii.

Certain Local Acts continued till adoption of Act.

5. Where any Local Act in force in a county in which tolls and statute labour have been abolished or are not exigible is limited as to its endurance, such Act shall continue in force until this Act shall be adopted in such county.

Adoption of the Act.

How Act may be adopted in counties.

6. The following provisions shall have effect with regard to the adoption of this Act:

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(1.) Case of counties which have obtained Private Acts.

(1.) In those counties in which tolls and statute labour have been abolished, or are not exigible, or power has been obtained to abolish them, or to arrange for their abolition, this Act may be adopted in place of the Local Act or Acts relating to roads, highways, and bridges therein in force in such county, on a resolution to that effect agreed to by not less than two-thirds of the trustees under such Act or Acts present and voting at a meeting of the whole trustees of the county called by special advertisement on not less than thirty days notice, for the purpose of considering as to the adoption hereof; and the convener of any such county as aforesaid, on a requisition to that effect, signed by any six of the said trustees, being presented to him, shall call a meeting of the said trustees, with a view to consider a resolution in favour of the adoption of this Act, and in the event of such resolution not being carried by the requisite majority as aforesaid, it shall not be lawful to call another meeting with a view to the adoption of this Act for one year thereafter.

Upon the adoption of this Act in any such county any Local Act or Acts in force therein as aforesaid shall stand repealed.

(2.) Case of counties which have not obtained Private Acts.

(2.) In any other county this Act may be adopted on a resolution to that effect agreed to by a majority of the commissioners of supply of such county present and voting at a meeting called by special advertisement for the purpose on not less than thirty days notice; and the convener of any such county as aforesaid, on a requisition to that effect, signed by any six of the commissioners of supply of such county, being presented to him, shall call a meeting of the commissioners of supply, with a view to consider a resolution in favour of the adoption of this Act; and in the event of such resolution not being carried by a majority at such meeting as aforesaid, it shall not be lawful to call another meeting with a view to the adoption of this Act for one year thereafter:

Upon the adoption of this Act in any such county any Local Act or Acts in force therein relating to roads, highways, and bridges, shall stand repealed.

Provision for case of one county adopting

7. Where it shall happen that this Act has been adopted or is in force in any county, but has not been adopted or is not in force in the county or counties adjoining thereto, any obli-

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and another county not adopting Act.

gation, right, privilege, or duty, in regard to the management and maintenance of and the debt affecting turnpike roads partly situated in two or more counties (including the burghs wholly or partly within the same), which, had this Act been adopted in the latter county or counties, would have fallen upon or belonged to the county road trustees or burgh local authority or authorities thereof, shall fall upon or belong to the commissioners of supply thereof, and in so far as consisting of or resulting in payments of money, such payments shall be a good charge upon and be defrayed out of, or may be borrowed upon the credit of the county general assessment of such county or counties: Provided always, that as soon as this Act shall have been adopted or be in force in such county or counties, the obligation, right, privilege, or duty before mentioned in so far as not already fulfilled, exercised, or discharged, and especially any obligation to repay any sums which may have been borrowed as aforesaid, and interest thereon, so far as unpaid, shall be transferred from the said commissioners of supply to the county road trustees of the said county or counties, and local authority or authorities of the said burgh or burghs, as the case may be: Provided that, where necessary for giving effect to the provisions contained in this section, "county road trustees" or "trustees" or "board" shall be held to mean and include commissioners of supply; and "county road clerk" shall be held to mean and include clerk of supply.

Wherever in terms of this section any obligation falls upon the commissioners of supply of a county, the trustees of such road shall, after providing for the expense of managing and maintaining the same, pay over to such commissioners of supply the surplus of income accruing to them from the tolls which, subject to the provisions of this Act, may be exacted on such road; and the said trustees shall not be entitled to reduce the tolls exacted thereon without the consent of such commissioners of supply.

Act may be adopted subject to provisional agreement between county and burgh. Confirmation by Secretary of State.

8. It shall be lawful for the commissioners of supply of any county which has not abolished tolls, on a resolution to that effect agreed to by a majority of those present and voting at a meeting called by special advertisement on not less than thirty days notice, to resolve to adopt this Act, subject to the stipulations contained in a provisional agreement entered into between them and the local authority of any burgh or burghs situated wholly or partly within such county, and signed by the convener and clerk of supply of such county, and by the provost or chief magistrate and town clerk or clerk of such burgh or burghs, as duly authorised in that behalf, in regard to the debts affecting and the cost and manner of managing and

maintaining any highway or highways in the neighbourhood of such burgh or burghs; but in the event of a resolution being passed, subject to such stipulations, such resolution and agreement shall not take effect until the same shall have been approved of by the Secretary of State, after such inquiry as to him shall seem proper. Such approval may be signified under the hand and seal of office of such Secretary of State, and the writing signifying the same shall set forth a date, not being earlier than the first day of June then next ensuing, from and after which such approval shall take effect. From and after the date set forth in such writing, the provisional agreement shall become a final agreement, and after being recorded in the books of council and session shall have the same effect as if it were herein contained, and the provisions of this Act shall be read and construed subject to the stipulations of such agreement. A.D. 1878

Power to apply to Secretary of State for provisional order to be confirmed by Parliament.

9. At any time after the passing of this Act, if the Act shall not have been adopted in any county, it shall be lawful for the commissioners of supply thereof to apply to the Secretary of State to make a provisional order that the Act shall, from a date to be therein named, not being earlier than the first day of June then next ensuing, come into force in such county, subject to conditions contained in such order in regard to the debts affecting and the cost and manner of managing and maintaining any highway or highways in the neighbourhood of any burgh or burghs within or partly within such county.

Upon the receipt of any such application, such Secretary of State shall cause notice thereof to be given to the clerk of any burgh and to any other person, body, or corporation who shall appear to be affected thereby, and shall direct a local inquiry to be held in respect of the matters mentioned in the petition, after giving fourteen days notice of the time, place, and subject of the inquiry.

After receiving the report made upon such inquiry, such Secretary of State may issue a provisional order under his hand and seal of office in relation to the matters mentioned in the application, either in accordance with the prayer thereof or with such modifications or alterations as may appear to him to be requisite.

A provisional order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of Parliament; and it shall be lawful for such Secretary of State as soon as conveniently may be to obtain such confirmation; and the Act confirming such provisional order shall be deemed to be a Public General Act of Parliament, and is hereafter referred to as the confirming Act. From and after

A.D. 1878 the passing of such confirming Act, this Act shall commence to have effect in such county as if it had been adopted therein as herein-before provided, but subject to the provisions of the confirming Act, which shall have effect as if they were herein contained.

It shall be lawful for such Secretary of State to make such order as he thinks fit in reference to the reasonable costs, charges, and expenses properly incurred in opposing such provisional order.

All costs, charges, and expenses incurred by such Secretary of State in relation to any provisional order under this Act, to such amount as such Secretary of State thinks proper to direct, and all costs, charges, and expenses of promoting or opposing such provisional order, but not including the costs incurred in promoting or opposing any Bill confirming such order before a committee of either House of Parliament as after mentioned, to such amount as may be allowed by such Secretary of State, shall be a charge against the county road trustees if a confirming Act is obtained as aforesaid, and shall be a charge against the county general assessment if such Act is not obtained, or against the police assessment levied within any burgh as the case may be, and shall be paid accordingly to such Secretary of State and to such opponents respectively, in such manner and at such times, and either in one sum or by instalments, as such Secretary of State may order, with power to such Secretary of State to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as such Secretary of State may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

The Court of Session may, on the application of the Lord Advocate on behalf of such Secretary of State, or on the application of any person interested, interpone their authority to any order made by such Secretary of State under this section, and grant decree conform thereto, upon which execution and diligence may proceed in common form.

Costs to be awarded in certain cases.

10. When any Bill for confirming a provisional order under the preceding section is referred to a Committee of either House of Parliament upon the petition of any person opposing such Bill, the committee shall take into consideration the circumstances under which such opposition was made to the Bill, and whether such opposition was or was not justified by such circumstances, and may award costs accordingly, to be paid by the promoters or the opponents to the Bill, as the committee may think just; and the committee shall find and determine against what funds or persons such costs shall be chargeable.

Any costs under this section may be taxed and recovered

under the Act passed in the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven. A.D. 1878 —— 28 & 29 Vict. c. 27.

Road Authorities in Counties and Burghs.

11. From and after the commencement of this Act in each county the management and maintenance of the highways and bridges within the county shall, as herein-after particularly provided, be vested in and incumbent on the county road trustees herein-after mentioned, and the management and maintenance of the highways and bridges within each burgh situated in or partly situated in such county shall be vested in and incumbent on the burgh local authority as herein-before defined. Management and maintenance of highways in counties to be in county road trustees, and in burghs in burgh local authority.

Appointment of County Road Trustees, Board, and Committees.

12. From and after the commencement of this Act the following persons shall be the "County Road Trustees;" viz., Appointment of county road trustees.

(1.) All persons being commissioners of supply of the county, whose names appear as such on the list of commissioners of supply of the county for the time being in force made up under the Act passed in the nineteenth and twentieth years of the reign of Her present Majesty, chapter ninety-three, and the Act passed in the twentieth year of said reign, chapter eleven (a certified copy of which list the clerk of supply shall deliver free of charge to the county road clerk, as soon as the latter is appointed, and thereafter in the month of January in each year) but subject to the provision that no commissioner of supply, whose qualification as such arises from property situated or office held in any burgh, shall be a county road trustee (save as herein-after provided), and that no factor deriving his qualification from the said Act, passed in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, whose name appears on such list shall be entitled to act or vote, except in the absence of the proprietor: 19 & 20 Vict. c. 93. 20 Vict. c. 11. 17 & 18 Vict. c. 91.

(2.) One person appointed at pleasure by any writing under the seal, or under the hand of the secretary or other officer, of any corporation or incorporated company assessed as owners for the purposes of this Act upon an annual valuation of eight hundred pounds or upwards, as appearing from the valuation roll of the county:

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(3.) The following persons (herein-after called elected trustees), to be elected once in every three years, as herein-after provided, by the ratepayers under this Act from among their own number, in each parish wholly or partly situated in the county; (that is to say,)

(*a.*) Where the number of ratepayers does not exceed five hundred, two persons;

(*b.*) Where the number of ratepayers exceeds five hundred but does not exceed one thousand, three persons;

(*c.*) Where the number of ratepayers exceeds one thousand, four persons:

(4.) Two persons (who shall be deemed to be elected trustees) appointed from time to time from among their own number by the commissioners of police of any police burgh as herein-before defined, within or partly within the county:

Provided, that where the management and maintenance of the highways within any burgh shall have been, as herein-after provided, transferred to the county road trustees, the provost or chief magistrate and one member of the town council of any such burgh being a royal or parliamentary burgh, and the senior or chief magistrate and one of the commissioners of police of any other burgh, shall be county road trustees under this Act, and shall be deemed to be elected trustees.

Mode of election by ratepayers.

13. Within six weeks after the commencement of this Act, the ratepayers of each parish within the county entitled to elect trustees for the purposes of this Act shall meet, and elect by open vote two or more persons of their own number, as the case may be, to be such trustees, who shall continue in office for the three years succeeding such election or until their successors shall be appointed, and the convener of the county shall call the meeting for such election, in such convenient place in each parish as he may appoint, on not less than ten days notice given by special advertisement: and once in every three years thereafter the said ratepayers shall meet for the same purpose, and shall on the like notice be called and convened by the county road clerk: and at every such subsequent meeting two or more persons as aforesaid shall be elected as trustees for the purposes of this Act for the three years succeeding their election, or until their successors shall be appointed: Provided that the chairman of any such meeting shall immediately transmit to the convener of the county in the case of the first election under this Act, and at subsequent elections to the county road clerk a certificate under his hand, setting forth the name and designation of the persons elected, and such certificate shall be sufficient evidence of their election.

The ratepayer present having the largest valuation in the parish, as appearing from the valuation roll, shall be entitled to take the chair at any meeting for the election of trustees; and the valuation roll, which the inspector of poor of the parish shall be bound to produce at any such meeting, shall be evidence of the right of any ratepayer whose name appears therein to vote at such meeting: Provided that no commissioner of supply shall be entitled to vote at such meeting, and that no person shall be entitled to vote thereat in respect of any lands and heritages within a burgh or police burgh wholly or partly situated in such parish.

If there shall be an equality of votes for two or more persons, the candidate or candidates being the largest ratepayer or ratepayers shall be deemed to be elected.

Any question as to the number of trustees falling to be elected for any parish, or as to the election of any person as a trustee, may be disposed of summarily by the sheriff, whose decision shall be final.

Should the ratepayers fail to elect trustees at the first meeting called by the convener, or at any subsequent meeting called by the county road clerk, the convener or county road clerk, as the case may be, shall convene another meeting within six weeks for the purpose of electing trustees as herein provided.

Trustees designated and incorporated.

14. The trustees shall be a body corporate, under the name of the County Road Trustees of the county, as the case may be, and under that name they may sue and be sued, purchase, take, hold, and dispose of lands and other property for the purposes and subject to the provisions of this Act.

Appointment of county road board.

15. The trustees shall at their first general meeting hereinafter mentioned, and thereafter at each annual general meeting, appoint the "county road board," consisting of not more than thirty of the trustees, and not less than one third and not more than one half of the board shall be elected trustees, and the chairman of the trustees shall be over and above ex officio a member of the board and chairman thereof; and the board shall have and may exercise all the powers, rights, and privileges conferred on the trustees by this Act, except the power of making an assessment, or in so far as the trustees shall otherwise expressly provide, but shall be subject in all respects to any requisitions, orders, regulations, or instructions which may from time to time be issued by the trustees.

County to be divided into districts, and district committees appointed.

16. The trustees shall divide the county into districts for the purpose of managing the highways under their control, and for any other purposes under this Act, and shall define the limits and boundaries of such districts, and may from time to time alter such limits and boundaries, and they shall annually appoint for each district such of the trustees as they think fit,

A.D. 1878 but being as far as may be persons deriving their qualifications as trustees from lands within such district, to be a district committee (of whom one, being, except as herein-after otherwise expressly provided, a member of the county road board, shall be declared to be chairman); and not less than one third and not more than one half of the district committee so appointed shall consist of elected trustees representing parishes or burghs or police burghs within the district, as herein-before provided. The enactments contained in this section shall not be imperative in the case of a county containing fewer than six parishes, or in the case of a county in which at the commencement of this Act tolls and statute labour have been abolished or are not exigible, but no provision has been made that such county shall be divided into districts for the purposes of the local Act or Acts in force therein.

Appeal to Secretary of State as to formation of districts.

17. Any commissioner or commissioners of supply, qualified as such in respect of lands and heritages of an annual value (as appearing in the valuation roll) not less than one fourth of the total annual value (so appearing) of the lands and heritages in any such district, may appeal against any such division, definition, or alteration to the Secretary of State, who shall have power, by a writing under his hand and seal of office, which shall be published in the Edinburgh Gazette, and recorded in the Sheriff Court books of the county, after such inquiry as to him shall seem proper, to alter and define the limits and boundaries of the districts into which the county shall be divided, as he may consider expedient; and any such alteration and definition or determination by the Secretary of State shall remain in force for ten years, and thereafter until the same shall be altered by the Secretary of State upon the application of the trustees, or some commissioner or commissioners of supply, qualified as such in respect of lands and heritages of an annual value (appearing as aforesaid) not less than one fourth of the total annual value (so appearing) of the lands and heritages in any existing district, which alteration the Secretary of State shall have power to make in manner aforesaid.

Islands to be districts.

18. Provided always, that in every case where at the passing of this Act any island or group of islands or part of an island forms or is treated as a separate district as respects the management of highways, such district shall in all time after the commencement of this Act in the county of which such district forms part continue to form a separate district (herein-after called an insular district) for the purposes of this Act; and the highways in such district shall, after such commencement, be maintained and managed by a district committee, to be appointed by the county road board of such county, and con-

sisting as far as may be of persons deriving their qualification as trustees from lands situated within such district, and such board shall nominate one of the members of such district committee, although not a member of the board, to be chairman of the district committee; and all assessments levied under the powers of this Act within such district for the management, maintenance, and repair of highways shall be expended in carrying into effect those purposes of this Act within such district, and in payment of a reasonable share of the necessary general expenditure incurred in such county in the execution of this Act and not otherwise, and no part of such assessment levied within the remaining parts of such county shall be expended for the management, maintenance, and repair of highways within such district.

Occasional vacancies to be supplied.

19. If any elected trustee for any parish shall resign (which he may do by any writing under his hand, addressed to the chairman of the trustees), or shall refuse to act, or shall die, or become disqualified, the board, if they think fit, may appoint a person, being a ratepayer of the same parish, to supply his place. If any member of the board or of a district committee, or the chairman of a district committee, shall resign (which he may do by any writing under his hand, addressed to the chairman of the trustees) or shall refuse to act, or shall die, or become disqualified, the board, if they think fit, may appoint a person, being a commissioner of supply or an elected trustee, as the case may be, and subject to the provisions herein-before contained as to the constitution of the board and the district committees respectively, to supply his place, and the person so appointed shall remain in office only so long as the person in whose room he was appointed might have held office.

Failure to elect not to invalidate acts of trustees.

20. If the town council of any royal or parliamentary burgh, or the commissioners of police of any other burgh or of any police burgh, or the ratepayers of any parish, or any corporation or incorporated company as herein-before mentioned, shall fail to elect or appoint trustees for the purposes of this Act, or if any person elected by such town council or commissioners of police or ratepayers, or appointed by such corporation or incorporated company, to be a trustee, or any other trustee, shall refuse to act, or shall resign, die, or become disqualified, the acts and proceedings of the remaining trustees, whether acting as trustees or as members of the board or of a district committee, as herein-after provided, shall nevertheless be deemed to be the acts and proceedings of the trustees, board, or district committee, as the case may be, and shall be as valid and effectual as they would have been if such failure, refusal, resignation, death, or disqualification had not occurred.

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Meetings of Trustees, Board, and Committee.

Time and place of general meetings of the trustees.

21. The first general meeting of the trustees shall be called by the convener of the county by special advertisement, and shall be held not later than three months after the commencement of this Act, at such time and place as the said convener shall appoint, and another general meeting of the said trustees shall be held on the thirtieth day of April immediately following or on such other day as may be resolved on at the first general meeting of the trustees, and at such place as the said trustees may appoint; and thereafter an annual general meeting of the trustees shall be held on the twenty-ninth day of September in each year, or on such other day as may be resolved on at any general meeting of the trustees, and at such place as the trustees may from time to time appoint; and at the said first general meeting, and at every annual general meeting, the trustees present shall elect one of their own number to be chairman of the trustees, and in the event of an equal number of votes being given for two or more candidates, the candidate having or representing the largest valuation in the county, as appearing on the valuation roll, shall be held to be elected; and such chairman shall hold office until the annual general meeting succeeding his appointment, or until his successor is appointed, and may be re-elected on the expiration of his first or other period of office: and the chairman shall, when present, preside at all meetings of the trustees.

Meetings of board and district committees.

22. The time and place of the first meeting of the board shall be fixed by the trustees, and the time and place of any subsequent meeting may be fixed by the board itself; and the time and place of the first meeting of each district committee shall be fixed by the board, and the time and place of the subsequent meetings may be fixed by such district committee, without prejudice to the right of adjournment or of holding special meetings herein-after provided.

Quorum at meetings of trustees, board, and committee.

23. The trustees shall at their first meeting determine what number of trustees shall be requisite to constitute a quorum at meetings of the trustees and of the board, and of the several district committees, respectively; and it shall be in the power of the trustees to alter such quorum from time to time as they may think fit; but no such alteration shall take effect until after the expiration of three months from the date of its being made and, in the case of a district committee, of its being communicated in writing by the county road clerk to the chairman thereof.

General Regulations for conducting the Business of Meetings.

Regulations as to meetings and proceedings of trustees, board, and district committees.

24. The following provisions shall be applicable to the meetings and proceedings of the trustees, the board, and the district committees respectively:

(1.) Special meetings of the trustees or of the board may be called by the chairman, or in the event of his illness, death, resignation, or absence from the county, by the clerk, at any time he may think fit, by special advertisement or by circular sent through the post to each trustee or member of the board, stating the object of such meeting; and on a requisition stating the object of such special meeting, and signed by five trustees in the case of a special meeting of the trustees, and by three members of the board in the case of a special meeting of the board, being presented to the chairman, or in the event of his illness, death, or resignation, or absence from the county, to the clerk, the chairman or clerk, as the case may be, shall call a meeting of the trustees or of the board, as the case may be, by special advertisement or by circular sent through the post to each trustee or member of the board, stating the object of such meeting, and the place and date of such meeting: Provided, that no special meeting of the trustees or board shall be called on less than ten days notice:

(2.) Special meetings of any district committee may be called at any time by the district clerk, on the orders of the chairman or any two members of the committee, by circular stating the object of such meeting, and the place and date of such meeting, addressed to each member of the committee, and forwarded by post not less than six days before such meeting:

(3.) Any meeting, general or special, of the trustees, or of the board or district committee, may be adjourned to a time and place to be specified in the minutes of such meeting; and in the event of a quorum not being present at any general or special or adjourned meeting the clerk of the meeting shall, in the case of meetings of the trustees or of the board, by special advertisement or circular, and in the case of district committees by circular, as herein-before provided, call another meeting, to be held at the hour and place and on any day, not being less than ten or six days after the date of the special advertisement

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or circular, as the case may be, within three weeks after the day originally fixed for such meeting:

(4.) Any business appointed by this Act to be transacted, and any assessment by this Act authorised to be imposed at any general or special meeting of the trustees or the board or any district committee, may be transacted or imposed at any adjourned meeting thereof; provided, that no business shall be brought before or transacted at such adjourned meeting which was not brought or appointed to be brought before the original meeting which was so adjourned:

(5.) No motion in regard to any matter or business not mentioned in the advertisement or special advertisement or circular calling any meeting shall be competent, unless notice of the same had been given at the immediately preceding meeting (not being a special or adjourned meeting) or by circular sent through the post not less than eight days before the meeting and addressed to every person entitled to be present and vote thereat:

(6.) Where the business before any meeting relates to the valuation, or allocation, or payment of debts, or the interest thereof, or the mode of providing therefor, or the construction of new roads or bridges, the assessments to provide for the payment or cost of which are by this Act laid on proprietors only, no elected trustee shall be entitled to vote in regard thereto, or in regard to such assessments:

(7.) No person shall have more than one vote at any meeting under this Act, although he may have more than one qualification for voting, except as herein-after provided in the case of the chairman or preses of any meeting:

(8.) The board or any district committee may appoint a committee or committees of their own number for the better execution of the powers hereby granted to them, and such committee shall report their proceedings to the board or district committee appointing them, and every act, order, or thing which shall be done, ordered, or performed by such committees, on being approved of by the board or district committee, shall be equally valid and sufficient as if ordered, done, or performed by the board or district committee.

Chairman to be elected in absence of ordinary chairman.

25. In the absence of the chairman at any meeting of the trustees or of the board or of any district committee, any person elected by the majority of the trustees or members present at such meeting, shall preside thereat; and in case of an

equality of votes the trustee or member present and proposed as chairman having or representing the largest valuation in the county or district, as the case may be, and as shown by the valuation roll, shall preside at such meeting, and in all other cases of equality of votes the chairman shall have a casting as well as a deliberative vote.

District committees and board to make reports.

26. Each district committee shall annually make a report of their proceedings to the board, with detailed accounts of their receipts and expenditure, and shall make reports on such other matters at such times and in such manner as may be prescribed by the trustees or the board; and the board shall before each annual general meeting of the trustees make a report of their proceedings to the trustees, with detailed accounts of their receipts and expenditure (if any), and shall make reports at such other times on such matters as may be prescribed by the trustees; and along with such annual report the board shall lay before the trustees the reports and accounts of the district committees respectively.

Appeal from decision of district committee.

27. Any person who shall object to or think himself aggrieved by the decision or resolution of any district committee may appeal, at any time within one month after such decision or resolution, to the board, whose determination therein shall be final; provided, that such appeal shall not prevent the execution of any of the powers of this Act in any matter affecting any other person not being a party in such appeal.

Appointment of Officers.

Appointment of county officers.

28. The trustees shall appoint a clerk, who shall also be clerk to the board, and shall be called the "county road clerk," a treasurer, who shall be called the "county road treasurer," and a collector, who shall be called the "county road collector," and, if they shall think fit, a surveyor, who shall be called the "county road surveyor," and, if it shall be found expedient, may appoint more persons than one to execute any of the above-named offices, or may appoint one person to execute two or more of them, and may also appoint such other officers and servants as they may think necessary for carrying this Act into execution; and such officers and servants shall perform the duties from time to time prescribed by the trustees or the board, and shall be subject to removal at any time by the trustees or the board, unless in so far as the power of removal may be modified by special written agreement, which shall not endure for a longer period than five years, and shall find such security as the trustees or the board shall require.

29. Each district committee may from time to time appoint

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Appointment of district officers.

a district clerk and a district treasurer, and, with the consent of the trustees, a district collector (it being competent to appoint one person to hold more than one of such offices) and a district road surveyor, and prescribe their or his duties; and, subject to the approval of the trustees, the district committee may fix the salaries to be paid to and the security to be taken from such district clerk, district treasurer, district collector, and district road surveyor, for the discharge of their or his duties, where such security is required to be taken; and every such officer shall be subject to removal at any time by the district committee: Provided that it shall be competent for any district committee to appoint to any one or more of such offices any of the officers appointed by the trustees or the board or by another district committee. Every district road surveyor shall be subject to the reasonable orders of the county road surveyor, if one shall be appointed.

Salaries of county road officials. Allocation of general expenditure.

30. Subject to the approval of the trustees the board shall fix the salaries and allowances to be paid to the several officers and servants appointed and employed by the trustees and the board; and such salaries and allowances, and all other necessary general expenditure in the execution of this Act, shall be paid out of the several funds and revenues at the disposal of the trustees, in such manner, at such times, and in such proportions as the trustees shall from time to time fix and determine.

Former officers to continue till removed.

31. The clerks, treasurers, surveyors, collectors, and all other officers who have been appointed under and employed in the execution of any local Act in force at the commencement of this Act, relating to the roads, highways, and bridges within the county (including the burghs wholly or partly situated therein) shall respectively continue to hold and exercise their offices thereafter until they shall respectively be removed by the trustees or board or burgh local authority, as the case may be, or shall resign or be incapable of executing their offices, and shall be subject to the like rules, regulations, and penalties in all respects as if they had been appointed under the authority of this Act; and it is hereby provided that the trustees under such local Acts, or the trustees and burgh local authority respectively, shall have a discretionary power to grant to any of the officers before mentioned, or to any of the officers appointed under this Act, such superannuation allowance, or other compensation, in the event of and to take effect on their immediate or subsequent retirement or removal from their respective offices, as they shall deem fit: Provided always, that any such grant made by the trustees under any such local Act may be reduced or rescinded by the county road board of the

county, out of the assessments leviable within which such allowance or compensation is payable, if such board shall consider the same excessive or improper, and that if any officer to whom any such allowance or compensation shall have been so granted shall hold office under the trustees, board, or any district committee of such county, the amount of such allowance or compensation shall be deducted from the salary payable to him by such trustees, board, or district committee, so long as he shall continue to hold such office. A.D. 1878

General Management in Counties and Burghs.

Consolidation of trusts.

32. From and after the commencement of this Act, the whole turnpike roads, statute labour roads, highways, and bridges within each county respectively shall form one general trust, with such separate district management as shall be prescribed by the trustees as herein-before provided; and all the roads, bridges, lands, buildings, works, rights, interests, moneys, property, and effects, rights of action, claims and demands, powers, immunities, and privileges whatever, except as herein-after provided, vested in or belonging to the trustees of any such turnpike roads, statute labour roads, highways, and bridges within the county, shall be by virtue of this Act transferred to and vested in the county road trustees appointed under this Act, who, subject to the qualifications herein-after expressed, shall be liable in all the debts, liabilities, claims, and demands in which the trustees of such turnpike roads, statute labour roads, highways, and bridges are or were liable under any general or local Act then in force, except in so far as such debts, liabilities, claims, and demands may under the provisions of this Act be discharged, reduced, or extinguished.

Abolition of tolls, statute labour, causeway mail, &c.

33. From and after the fifteenth day of May, or from and after the twenty-sixth day of May when the leases of the tolls in any county run from that date, immediately following the commencement of this Act in any county in Scotland, where such commencement shall happen before the year one thousand eight hundred and eighty-three, and otherwise from and after the first day of June one thousand eight hundred and eighty-three, all tolls within such county, and within any burgh wholly or partly situated therein, shall be abolished, and the exaction of statute labour, and any payments of money by way of conversion or in lieu thereof, and all bridge money and assessments heretofore leviable for the maintenance of highways within such county or burgh, shall cease and determine, any Act or Acts to the contrary notwithstanding; and all turnpike roads within the same shall thereafter be and become highways, and all

A.D. 1878 highways shall be open to the public free of tolls and other exactions, except as herein-after provided, within the meaning of and for the purposes of this Act: Provided always, that all the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to turnpike roads shall continue applicable to all highways which are turnpike roads at the passing of this Act.

8 & 9 Vict. c. 33.

All causeway mail shall be abolished within any burgh from and after the fifteenth day of May first occurring not less than four years after the commencement of this Act in the county within which such burgh is situated or partly situated.

Notwithstanding that the other provisions of this Act shall not be in force in any county (including the burghs wholly or partly situated therein), all causeway mail within such burghs shall be abolished from and after the fifteenth day of May one thousand eight hundred and eighty-seven.

Rate may be levied within burghs in lieu of causeway mail abolished.

34. It shall be lawful for the magistrates and council of any burgh in which causeway mail by this Act provided to be abolished is payable or leviable, to levy from and after such abolition from the occupiers of lands and heritages within such burgh, in lieu of such causeway mail payable or leviable as aforesaid, a rate or rates by way of assessment calculated to yield in the whole in the year an amount equal to the net yearly amount of such causeway mail payable or leviable as aforesaid, and no more, but not exceeding in the whole for any one year the amount of threepence in the pound sterling, on the valuation of the assessable property within the boundaries of such burgh, and such rate may be levied either as a separate rate or as part of and in addition to, but always under the same conditions, and subject to the same restrictions and exemptions as any police or burgh rate levied or leviable within such burgh: Provided that the rate or rates to be levied in lieu of such causeway mail payable or leviable as aforesaid, shall, ipso facto, come in place of any security held by any creditor or creditors of such burgh over such causeway mail:

Provided also, that the said magistrates and council shall not be bound under this section to impose any rate other than a rate of one farthing or an entire number of farthings in the pound.

Application of tolls and statute labour money at present leviable.

35. Until the said fifteenth day of May, or twenty-sixth day of May, or first day of June, as the case may be, the tolls and revenues of each of the roads now maintained as turnpike roads, and all assessments now leviable for the maintenance of highways within a county, shall respectively be received and applied by the trustees to the several purposes to which they are respectively applicable under the existing Acts relating thereto.

Trustees to purchase pontages, &c.

36. The trustees of any county or counties, and the local authority of any burgh or burghs, shall, as soon as may be after the commencement of this Act in such county or in any of such counties, adjust and settle with the persons or trustees having the management of any bridge or bridges, forming part of or connecting any highways, whether situated wholly in one county or burgh or not, at which pontages are legally leviable by any persons or trustees, or the magistrates and town council of any burgh, what compensation shall be paid to him or them in respect of his or their patrimonial interest in such pontages abolished by this Act; and if they and such person or trustees, or magistrates and town council, cannot agree as to the compensation to be made for the said pontages, then the same shall be fixed and determined, as nearly as may be, in the same manner as is herein-after provided in relation to the valuation of road debts, and shall be paid and provided for in the same manner as road debts: Provided that where such bridge or bridges is or are not situated wholly within one county or burgh, the sums payable under this section shall be allocated in the same manner as is herein-after provided in relation to the allocation of road debts; and such bridge or bridges shall, after the compensation aforesaid has been fixed and determined, be highways free of pontages, and be vested, managed, and maintained as such, and where not situated wholly in one county or burgh, shall be subject to the provisions herein contained with regard to bridges similarly situated belonging to turnpike trusts at the commencement of this Act. For the purposes of this section "trustees" shall include the commissioners of supply of a county in which this Act has not been adopted or is not in force.

Roads formerly turnpike not wholly situated in one county or burgh.

37. Where any trust existing at the commencement of this Act embraces a turnpike road which is not situated wholly within one county or burgh the following provisions shall have effect; (that is to say,)

(1.) Where this Act shall have been adopted or shall be in force in each of the counties in which such road is situated:

(*a.*) The portion of such road within each such county or any burgh therein shall be vested in and managed and maintained by the trustees, board, and district committees of the county, or the local authority of the burgh, as the case may be, in which such portion is situated:

(*b.*) The whole assets of the trust shall, except as herein otherwise provided, be valued and

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allocated among the trustees of the counties and local authorities of the burghs respectively in the proportion and in the manner in which the debt affecting such turnpike trust shall be valued and allocated among the trustees of such counties and the local authorities of such burghs respectively under the provisions of this Act:

(*c.*) All lands, heritages, works, and buildings belonging to any such trust locally situated within any county or burgh shall be and are hereby transferred to the trustees of such county or local authority of such burgh, as the case may be, within which the same are so situated, and shall be applied and used or may be sold and disposed of under the powers and for the purposes of this Act:

(*d.*) Where a bridge is not situated wholly within one county or burgh, the expense of maintaining, and if need be of rebuilding, the same shall, failing agreement, be a charge equally against the trustees of the county or counties and local authority or authorities of the burgh or burghs within which it is partly situated. The management of the bridge shall, failing agreement, be vested in a committee (herein-after called a joint bridge committee) to be appointed by the trustees or local authorities chargeable with the cost of maintenance and rebuilding:

(2.) Where this Act shall have been adopted or shall be in force in one or more of the counties or burghs in which such road is situated, but shall not have been adopted or shall not be in force in all of such counties or burghs:

(*e.*) The portion of such road within any county or burgh in which this Act has been adopted or is in force shall be vested in and managed and maintained by the trustees, board, and district committees of the county or the local authority of the burgh, as the case may be, in which such portion is situated:

(*f.*) The portion of such road within any county or burgh in which this Act has not been adopted or is not in force shall continue to

be vested in and managed and maintained by the trustees having the management thereof at the commencement of this Act:

(*g.*) The whole assets of the trust shall, except as herein otherwise provided, be valued and allocated among the trustees of the respective counties and local authorities of the burghs situated therein and the trustees having the management of such road, as nearly as may be, in the proportion and in the manner in which debts affecting turnpike trusts shall be valued and allocated among the trustees of counties and local authorities of burghs respectively under the provisions of this Act:

(*h.*) All lands, heritages, works, and buildings belonging to the trust locally situated within any county or burgh shall be and are hereby transferred to the trustees of such county or local authority of such burgh within which the same are so situated or the trustees having the management of such road, as the case may be, and shall be applied and used or may be sold and disposed of under the powers and for the purposes of this Act or of the Act under which the trustees having the management of such road were constituted, as the case may be:

(*i.*) Where a bridge is not situated wholly within one county or burgh, the expense of maintaining, and if need be of rebuilding, the same shall, failing agreement, be a charge equally against the trustees of the county or local authority of the burgh within which it is partly situated and the trustees having the management of such road, as the case may be. The management of the bridge shall, failing agreement, be vested in a joint bridge committee to be appointed by the trustees (whether appointed and acting under this Act or not), or local authorities chargeable with the cost of maintenance and rebuilding.

Bridge (not formerly included in a turnpike road trust, is not situated wholly within

38. Where a bridge, not at the commencement of this Act

A.D. 1878 —— turnpike) not wholly situated in one county or burgh.

one county or burgh, the expense of maintaining, and if need be of rebuilding, the same shall, failing agreement, be deemed to rest equally upon the trustees (whether acting under this Act or not) and local authority or authorities of the counties, or county and burgh, or burghs within which such bridge is partly situated, as the case may be.

The management of such bridge shall, failing agreement, be vested in a joint bridge committee appointed by the trustees or local authorities chargeable with the cost of maintenance and rebuilding, unless, on an application of either party to the sheriff, he shall otherwise determine.

Appointment and powers of joint bridge committee.

39. The following provisions shall have effect as to the appointment, powers, and duties of a joint bridge committee:

(1.) A joint bridge committee shall be appointed annually at such date as may be agreed on between the road authorities appointing representatives thereon, and each road authority may appoint not more than five persons to be members of such committee;

(2.) A joint bridge committee shall have power to appoint a chairman, and to appoint and remunerate such officers as shall be necessary for the management of the bridge, such officers, as far as possible, being already officers of the road authorities by whom the committee is appointed;

(3.) In the event of difference of opinion, the representatives of each road authority shall jointly have one vote, and if there is an equality of votes, the question shall be referred to a standing arbitrator to be named annually by the committee, or, failing such nomination, by the sheriff of any adjoining county.

Detached parts of counties to form part of the county by which they are surrounded.

40. Any detached part of a county shall, for the purposes of this Act, except in so far as otherwise expressly provided, be considered as forming part of that county by which it is surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which it has the longest common boundary: Provided that such detached parts of counties, if consisting only of parts of parishes, shall respectively be considered for all the purposes of this Act to be parts of the parishes by which they are surrounded, or if partly surrounded by two or more parishes, then as forming part of that parish with which they have the longest common boundary.

This section shall not have the effect of subjecting the proprietor of any lands and heritages within such detached part to assessment for road debts affecting the county or counties by which such detached part is surrounded; but such proprietor shall be and remain liable for any assessments for road debts

affecting the county of which such detached part was originally a portion. A.D. 1878

A commissioner of supply, the subject of whose qualification is situated within any such detached part of a county, shall be entitled to act as a trustee under this Act for the county of which such detached part is in terms of this section considered to form a part; but shall not be entitled to act as a trustee for such first-mentioned county unless he possesses a qualification beyond the boundaries of such detached part thereof sufficient to entitle him to be enrolled as a commissioner of supply for such county. The clerk of supply of any county from which a part or parts are detached shall, in each month of January after the passing of this Act, transmit, free of charge, to the clerk of supply of each county in which any such detached part is so included, a certified copy of the valuation roll in so far as applicable to such detached part or parts and a list of the persons qualified as commissioners of supply in respect of property therein.

A ratepayer, the subject of whose qualification is situated within any such detached part of a county, shall be deemed to be a ratepayer within the county of which such detached part is in terms of this section considered to form a part; but shall not be deemed to be, in respect thereof, a ratepayer of such first-mentioned county.

List of highways to be made up. Alteration of list.

41. The board shall, at their first meeting, or at an adjournment thereof, make up a list of the roads, highways, and bridges under their management and control; but no road, highway, or bridge shall be then put on such list unless it had before the commencement of this Act been in use to be maintained out of public funds derived from tolls or assessments or other sources of revenue. The roads, highways, and bridges on such list, and no other, shall be maintained and repaired out of the assessments levied under this Act; and no alteration on or addition to such list shall be made except as herein-after provided.

Highways may cease to be such, and other roads may become highways.

42. The trustees may, on a written report from the board recommending the same, declare, at any annual general meeting, that any highway shall cease to be a highway within the meaning and for the purposes of this Act, and that whether another highway shall have been substituted therefor or not; or that any road or bridge which at the commencement of this Act was not maintained out of public funds derived as aforesaid, shall, with the consent of the proprietor, which consent he may effectually give although not an absolute owner, be a highway within the meaning and for the purposes of this Act and as such be added to the list mentioned in the preceding

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section; but such declaration shall not be competent unless the county road clerk shall have given notice of the same by special advertisement, and by printed notices affixed to the principal door of each church in every parish in which any part of such road, highway, or bridge is situated, and also affixed in some conspicuous place at both ends of such road, highway, or bridge, for at least one month before the date of the meeting at which such declaration is made.

A highway ceasing to be a highway may be shut up.

43. After a road has, as herein-before provided, ceased to be a highway, the trustees may resolve that it shall be shut up, but such resolution shall not take effect until the expiration of six months from the date thereof: Provided always, that thirty days notice of the intention to propose a resolution to that effect shall be given by advertisement in any newspaper usually circulating in the county in which such road proposed to be shut up is situated, and that, upon such resolution being carried, the county road clerk shall give notice of the same by special advertisement, and by printed notices affixed to the principal door of each church in every parish in which any part of such road is situated, and also by printed notices affixed during the said six months in some conspicuous place at both ends of such road.

The determination of the trustees under the preceding section shall be final and not subject to review in any court or in any process or proceeding whatsoever, unless any three ratepayers who shall be dissatisfied with such determination shall, within fourteen days after the date thereof, appeal to the sheriff, and the resolution of the trustees under this section shall in like manner be final and not subject to review, unless any three inhabitants who shall be dissatisfied therewith shall, within six months after the date thereof, appeal to the sheriff, who shall hear and determine the appeal in a summary way, and the decision of the sheriff shall be final and not subject to review, and the expenses of such appeal shall be in the discretion of the sheriff.

The ground occupied by any road which has been shut up in terms of this section shall fall and belong to the person or persons whose lands immediately adjoin thereto, and from whom or his or their predecessor or predecessors the ground so occupied was acquired without payment: and if any question shall arise as to the person or persons to whom such ground should fall and belong, the same shall be disposed of by the sheriff, whose decision shall be final: Provided, that if a price was originally paid for such ground the trustees shall dispose of the same as nearly as may be in the manner herein provided in regard to toll-houses.

Toll-houses to be first offered to adjoining proprietors.

44. The trustees before selling any toll-house or other building belonging to them shall first offer the same, together with the site thereof, to the person or persons whose lands immediately adjoin thereto, at a price to be fixed by a valuator, to be named by the sheriff, and the price obtained for such toll-house or other buildings shall be applied in the first place to the payment of road debts, if any, and the balance, if any, to the general purposes of this Act: Provided always, that in fixing such price the valuator shall take into consideration the terms and conditions upon which such site was originally acquired.

Provision for foot-paths.

45. It shall be lawful for a district committee, or for the board where the county is not divided into districts, subject to the approval of the trustees, to make and, if made, to maintain footpaths on the side or sides of any highway.

Boundaries of burghs.

46. The boundaries of burghs for the purposes of this Act shall be held to be the boundaries thereof as the same are or may be ascertained, fixed, or determined for police purposes under the provisions contained in any general or local Act of Parliament, or, when no police assessment is levied, as the same are or may be ascertained, fixed or determined, for municipal purposes.

Local authority to have management of roads within burghs.

47. From and after the commencement of this Act, the highways and bridges situated within any burgh shall be by virtue of this Act transferred to and vested in the local authority of such burgh, and such local authority shall have the entire management and control of the same, and shall possess the same rights, powers, and privileges, and be subject to the same liabilities in reference to such highways and bridges (including the construction of new roads and bridges) as the trustees under this Act possess and are liable to in reference to roads, highways, and bridges (including as aforesaid) in the landward part of the county, including the right to any assets belonging thereto, and shall also have and may exercise with reference to the construction, maintenance, and repair of the roads, highways, and bridges within their respective boundaries, such and the like powers and authorities as they possess with reference to any streets within their respective boundaries: Provided that the local authority of any burgh not containing more than ten thousand inhabitants according to the census last taken may, by a resolution passed at a meeting summoned for the purpose, on not less than one month's notice, by special advertisement, devolve the management and maintenance of the highways and bridges within the boundaries or forming the boundary thereof upon the trustees of the county within which such burgh or any portion thereof is

A.D. 1878 situated, on payment to such trustees of such an annual sum or upon such terms as may be agreed upon; and in default of such agreement, on payment of such sum or upon such terms as shall from time to time be settled on the summary application of either party by the sheriff, who shall take into consideration the proportion of traffic from the county passing through the burgh, and all the other circumstances of the case, and whose decision shall be final: Provided also, that any such resolution of the local authority of a burgh may be rescinded, with the consent of and on such terms as may be agreed upon with the county road trustees, and thereupon the original rights, powers, privileges, and liabilities of the said local authority shall revive in full force and effect.

Burgh within county where Act not in force may, by agreement or otherwise, assume management, &c. of highways within it.

48. In any county in which tolls and statute labour have been abolished or are not exigible, and in which this Act is not in force, it shall be lawful at any time after the passing of this Act, for the local authority of any burgh situated therein, being a burgh within the meaning of this Act, at a meeting summoned for the purpose on not less than one month's notice, by special advertisement, to resolve to undertake the management and maintenance of the highways within the burgh; and it shall thereupon be lawful for such local authority to agree with the county road trustees or other authority having the charge of the highways within the county as to the terms upon which the highways within the burgh, together with a proportionate part of the debt, if any, affecting the highways within the county, shall be transferred to such local authority, and, failing agreement, the said terms shall be settled on summary application by the sheriff, who shall take into consideration all the circumstances of the case, and whose decision shall be final, and upon the parties agreeing as aforesaid, or upon the terms of transference being settled as aforesaid, the highways within the burgh shall be transferred to and vested in the local authority thereof, who shall have the entire management and control of the same, and shall possess the same rights of assessment, and other rights, powers, and privileges (including the appointment of a clerk or clerks, surveyor or surveyors, and other necessary officers), and be subject to the same liabilities in reference to the highways (including the construction of new roads and bridges) therein, and debt, if any, affecting the same, as the burgh local authority of any burgh under this Act possess and are liable to in reference to the highways (including as aforesaid), and also in reference to the streets within such burgh: Provided always, that any such resolution of the local authority of a burgh may be rescinded, with the consent of and on such terms as may be agreed upon

with the county road trustees or other authority as aforesaid, and thereupon the original rights, powers, privileges, and liabilities of the said county road trustees or other authority in regard to the highways within such burgh, and the debt, if any, affecting the same, shall revive in full force and effect. A.D. 1878

Maintenance and Repair of Highways and Assessments therefor.

Report on condition of highways, and estimate cost of maintenance.

49. Every district surveyor shall, on or before the thirtieth day of March in each year, make up and deliver to the clerk of the board, and to the clerk of the district committee of his district respectively—

(1.) A report of the condition of the highways within his district:

(2.) A specification of works and repairs proposed to be executed thereon; and

(3.) An estimate of the sums required for the purposes of the highways within the district for the year from the fifteenth day of May immediately following to the fifteenth day of May in the year succeeding; and each district committee shall, on or before the fifteenth day of April in each year, consider such reports and estimates, and shall immediately transmit the same, together with their recommendations, if any, to the clerk of the board, to be by him laid before the annual meeting of the board.

Where a county is not divided into districts the duty in this section imposed on the district surveyor with respect to his district shall be, as nearly as may be, discharged by the surveyor with respect to the whole county.

Board to meet and consider reports.

50. The board shall hold an annual meeting on such day between the fifteenth day of April and the fifteenth day of May in each year, as they may fix, for the purpose of considering the reports, specifications, and estimates before-mentioned, and relative deliverances of the respective district committees, if any, and shall consider and review the same, and give such orders as may seem necessary thereanent, and their decision shall be final.

Roads or highways may be shut up for repairs.

51. The board or any district committee on a written report from the surveyor or district surveyor that it is necessary to shut up for a limited period any highway, for the purpose of repairing the same, may from time to time authorise the shutting up of such highway for such period as they may deem necessary; provided, that notice of the intention so to shut up a highway shall be given by advertisement in a newspaper

A.D. 1878 circulating in the county or district within which such highway is situated at least fourteen days before such highway shall be so shut up: Provided always, that upon a written report by the surveyor or district surveyor that any highway has become or is about to become dangerous, it may be shut up by the written order of any two members of the board or district committee without any previous notice; but notice shall be immediately given, by advertisement as aforesaid, that it has been shut up.

Assessments in counties for management, maintenance, and repair.

52. The amount required for the management, maintenance, and repair of highways within each district respectively, or, in the option of the trustees, within the several parishes constituting such district, along with a proportion of the general expenses of executing this Act, as allocated by the trustees in manner herein-before mentioned, shall be levied by the trustees by an assessment to be imposed at a uniform rate on all lands and heritages within such district, or, in the option of the trustees, within each of the parishes constituting such district as aforesaid; and such assessment shall be paid, one half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which the same is imposed, except in the case of lands and heritages entered in the valuation roll as of the annual value of four pounds or under, in which case the whole of the assessment imposed on such lands and heritages may, in the option of the trustees, be levied from and paid by the proprietor, who shall be entitled to recover the half thereof from the tenant or occupier: provided, that outgoing tenants or occupiers, removing from lands and heritages during the currency of the year for which such assessments have been imposed, shall have a right of relief against the incoming tenants or occupiers for the proportion of the assessment applicable to the period of the year remaining unexpired at their removal.

Where a county is not divided into districts the assessments by this section authorised shall be imposed upon the whole lands and heritages within the county in the same manner and subject to the same conditions, in and under which they are hereby authorised to be imposed upon the lands and heritages within a district.

Maintenance of bridges in two districts.

53. Where any bridge is partly situated in one district and partly in another district, the burden of maintaining and repairing such bridge shall be deemed to rest equally on such districts, and the management thereof shall be vested in such manner as the trustees shall determine.

Assessment in burghs for

54. The amount required for carrying out the provisions of this Act within any burgh or by the local authority thereof

where there is no rate or assessment now levied wholly or partly for the maintenance and repair of streets or roads within the same, shall be levied by the burgh local authority, at such rates as may be necessary for the purpose, by an assessment to be imposed and levied on all lands and heritages within the burgh; and such assessment shall be paid, except as otherwise expressly provided, one half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which such assessments are imposed, unless where the name of the tenant or occupier is not set forth in the valuation roll, in which case the whole of the assessment imposed on such lands and heritages may be levied from and paid by the proprietor, who shall be entitled to recover the half thereof from the tenant or occupier.

maintenance and repair.

55. Where in any burgh at the time of the commencement of this Act the management and control of the streets and roads within the same, and the power to levy any rates or assessments wholly or partly in respect thereof, is vested in the burgh local authority, in virtue of any general or local Act of Parliament, it shall be lawful to continue to impose and levy such rates or assessments, and the amount required for carrying out the provisions of this Act within such burgh or by the local authority thereof shall be included in the sums for payment of which such rates or assessments may be imposed and levied: Provided that such rates and assessments if limited to a maximum may be raised above such maximum, but only to an extent sufficient to produce the amount required for executing this Act as aforesaid: Provided also, that such burgh local authority may, at any meeting called for the purpose, on not less than one month's notice, by special advertisement, pass a resolution that such rates and assessments shall, from and after a date to be fixed in the resolution, thenceforth cease to be levied in respect of such streets and roads; and in the event of such resolution being carried by a majority of votes, the maintenance and repair of the streets and roads, and all expenses connected therewith and with the carrying out the provisions of this Act, shall, from and after such date, be provided for by an assessment within the burgh to be imposed and levied and to be payable as provided in the immediately preceding section, except as otherwise herein-after provided.

Former modes of assessment may be retained in certain burghs.

Contracts by Road Authorities.

56. Contracts in relation to roads, highways, and bridges may be entered into as follows:

Power for road authorities to make con-

(1.) By the trustees of any county with the trustees of any

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Contracts in respect of repair of roads, highways, or bridges.

other county, or the local authority of any burgh, or by the local authority of any burgh, with the local authority of any other burgh, or the trustees of any county, for the maintenance and repair of any road, highway, or bridge, which, or any continuation or part of which, lies within the jurisdiction of the parties to such contract; and

(2.) By the trustees of any county or the local authority of any burgh with any contractor or other person or persons for the repair of any roads, highways, or bridges, which such trustees or local authority are liable to repair, or for the repair of any portion thereof.

Any moneys duly payable in pursuance of any contract under this section in respect of the maintenance and repair of roads, highways, or bridges to any authority, person or persons, who have so repaired the same, shall be deemed to be expenses duly incurred by the authority paying such moneys in the performance of their duties as the road authority of the road, highway, or bridge in respect of which such moneys are paid.

The duration of a contract under this section shall not exceed three years.

The board or a district committee, with the consent of the trustees of any county, may exercise the powers conferred by this section on such trustees.

Extraordinary Traffic.

Power of road authority to recover expenses of extraordinary traffic.

57. Where by the certificate of their surveyor or district surveyor it appears to the authority which is liable to repair any highway that, having regard to the average expense of repairing highways in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such highway by reason of the damage caused by excessive weight passing along the same or by extraordinary traffic thereon, such authority may recover in a summary manner before the sheriff (whose decision shall be final), from any person by whose order the excessive weight has been passed, or the extraordinary traffic has been conducted, the amount of such extraordinary expenses as may be proved to the satisfaction of the sheriff to have been incurred by such authority by reason of the damage arising from such excessive weight or traffic as aforesaid.

Provided that any person against whom expenses in respect of the passing of excessive weight or of extraordinary traffic

are or may be recoverable under this section, may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such passing of such excessive weight, or of such extraordinary traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section. This section shall have effect in every county in Scotland, notwithstanding that the other provisions of this Act have not been adopted or are not in force therein. A.D. 1878

Construction of new Roads and Bridges.

58. The board, subject to the approval of the trustees, to be given at their annual general meeting, may from time to time, at a meeting to be called for the purpose by special advertisement, or by special circular sent through the post to every member of the board, stating the object of the meeting, resolve to construct any new road or bridge that they may think requisite, or may enter into an agreement with any person or corporation (including the trustees of any adjoining county or the local authority of any burgh) for the construction of any new road or bridge, and may require such person or corporation to provide the whole or any part of the expense of such new road or bridge as a condition of the construction of the same, and all new roads and bridges so constructed shall be highways ; and the expense of such construction, so far as payable by the board, shall be raised by an assessment to be imposed and levied as the trustees may determine either on the county (except as herein-after otherwise provided), or on the district or districts within which such new road or bridge is situated, or partly situated, in the same manner and with the same powers, including the power of borrowing money, as is herein-after provided in the case of assessments for payment of debt in so far as the same are applicable thereto ; and such assessment shall not extend over a longer period than fifty years, and shall be levied from and paid by the proprietors of lands and heritages within such county or district or districts ; provided, that where any such new bridge is not situate wholly within one county or burgh, the agreement for the construction thereof shall provide for the proportions in which the expense of the future maintenance of such bridge shall be divided between the county or counties and burgh or burghs in which the same is partly situated respectively ; and failing such agreement such expense shall be deemed to rest equally upon the counties or county and burgh or burghs within which such bridge is partly situated, as the case may be : Provided always, that no

New roads and bridges may be constructed by the board, and assessed for upon proprietors.

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such resolution for the construction of any new road or bridge in any insular district shall be carried into effect without the consent of the district committee of such district, and that no assessment shall be levied on any other part of the county for the expense of such construction, nor shall any assessment be levied on such district for the expense of construction of any new road or bridge in any other part of the county.

The burgh local authority shall have the same powers in regard to the construction of new streets or roads or bridges to be wholly or partly situate within the burgh, which the county road trustees have in regard to the construction of new roads or bridges wholly or partly situated within the county: but the assessments for paying or providing for the expense of such construction shall be levied in the same manner as the assessments for maintaining and repairing the streets within the burgh.

The provisions of this section shall apply to the rebuilding of bridges.

Valuation and Allocation of Debt.

Appointment of Debt Commissioners.

59. With respect to the valuation and allocation of road debts in counties in which such debts have not been previously valued and allocated, the following provisions shall have effect:

For the purpose of valuing and allocating road debts as hereinafter provided, where the parties fail to agree, the Secretary of State may, by any writing under his hand, appoint two or more persons skilled in law and accounts, who shall be called "Debt Commissioners." The appointment of a Debt Commissioner shall be published in the Edinburgh Gazette, and may be re-called by the Secretary of State at any time, by a writing under his hand, which shall be published in the same manner. A Debt Commissioner shall have power to call for production of all books, accounts, securities, vouchers, and other documents relating to such debts, and to examine witnesses on oath in regard thereto.

The Secretary of State may, if he shall think fit, in order to secure the speedy and uniform valuation and allocation of such debts, from time to time assign, by any writing under his hand, districts to the Debt Commissioners, and a Debt Commissioner shall be deemed to be appointed for and shall have power to act only within the district so assigned to him. Any such writing under the hand of the Secretary of State shall be published in the Edinburgh Gazette.

Clerks of trusts to make out list of debts.

60. The clerks of the turnpike and statute labour and bridge trusts in each county (including the burghs situated wholly or partly therein) shall, whether the roads, highways, and bridges

subject to such trusts are wholly situated within such county or not, within two months after the date of the commencement of this Act, make out a list of the whole debts of each such trust, distinguishing as far as possible their order of preference, and also showing what proportions thereof consist of principal, and of arrears of interest, and also the amount of interest chargeable and paid upon such principal, if any, and the names of the creditors in such debts, so far as known to them; and such lists shall be deposited in the offices of such clerks for the inspection of all persons interested or claiming to be interested in such debts.

Intimation to creditors.

61. The clerks of the several trusts respectively shall, by special advertisement, and also by notice inserted once in the Edinburgh Gazette, within eight days after the aforesaid lists have been deposited, give intimation that such lists have been so deposited, and require all persons claiming to be entitled to payment of any debt affecting the roads, highways, and bridges embraced in such trusts, or the tolls or revenues thereof, to lodge their claims and the vouchers thereof with them on or before a day to be specified in such notice, which day shall be at an interval of not less than six weeks and not more than two months from the first publication of such advertisement: Provided that no claim or voucher shall be required to be lodged in respect of any debt due to the Public Works Loan Commissioners or to their Secretary on their behalf.

Revised list of debts to be made up.

62. Within twenty-one days after the day specified in the said notice, the clerks of the aforesaid trusts respectively shall, from the lists made up by them, and the claims and vouchers which may be lodged with them, make up a full and complete revised list of all the debts affecting or alleged to affect the roads, highways, and bridges embraced in such trusts, and the tolls or revenues thereof, and the interest due thereon, and the names and designations of the creditors entitled or claiming to be entitled thereto, with such notes or observations on such claims and vouchers as they may think necessary.

Revised list to be open to inspection.

63. The list of debts revised as aforesaid shall, immediately on the expiry of the last-mentioned period, be docquetted and signed by the clerk of the trust, and thereafter deposited in the office of the county road clerk; and where in any trust there is a road, highway, or bridge situated in more than one county, a copy of such list of debts, docquetted and signed as aforesaid, shall be deposited in the office of the county road clerk of each such county in which this Act has been adopted or is in force, and in the office of the clerk of supply of any such county in which this Act has not been adopted or is not in force; and intimation that the same has been so deposited shall be forth-

A.D. 1878 with made by special advertisement, and the said list shall for one month after the first publication of such notice be open for inspection, free of charge, to all persons interested or claiming to be interested therein, and any person claiming to be a creditor of the trust may, during that period require such clerk to insert his name in the said list.

Debts affecting counties and burghs may be compromised.

64. The board or boards of the several counties and local authority or authorities of the several burghs respectively within which the roads, highways, and bridges are situated or partly situated upon which or the tolls or revenues whereof respectively the debts of each trust were charges before the commencement of this Act in any county or burgh within which any such road, highway, or bridge is so situated, or partly situated, may adjust, compromise, and determine, in conjunction with the creditor or creditors, the value of any such debt due or claimed to be due by or from any such trust respectively: Provided that no such adjustment, compromise, or determination shall be effectual unless made or approved of at a special meeting of the board, or at an ordinary or special meeting of the burgh local authority, as the case may be.

Valuation of debts.

65. In the event of any such debt not being adjusted, compromised, and determined as herein-before provided, the trustees of any such county or counties, and the local authority or authorities of any such burgh or burghs, as the case may be, may tender to the creditor therein a written statement of the value at which such debt is estimated by them; and such statement, if accepted by such creditor, or not objected to by him within the period of one calendar month from the date of such tender, shall be held to ascertain and determine the value thereof; and it shall be lawful to such creditor, if dissatisfied with such statement, within one calendar month from the date of such tender, or, when no such tender shall have been made, within six months after the commencement of this Act in any county or burgh within which any such road, highway, or bridge is so situated, or partly situated, at the expiration of such six months, to apply to any Debt Commissioner appointed in terms of this Act, to proceed to ascertain and value such debt; and any one having interest shall be entitled to appear and be heard, and the said Debt Commissioner shall ascertain whether any and what debt is due, with the interest thereon, and shall estimate and determine the value of the same, without regard to any personal or other collateral obligation undertaken by trustees or others, and in making such valuation shall take into account the interest paid on such debt out of the trust funds, the state of repair of the roads or bridges to which the debt is applicable, and shall take into consideration

every circumstance which might in his opinion reduce, enhance, or in any way affect the value thereof; and the decision of the said Debt Commissioner, who shall also dispose of all questions of expenses, shall be final, save only that if the trustees of such county or counties, or such burgh local authority or authorities, as the case may be, or the creditor in the debt shall be dissatisfied with such decision in point of law, they or any of them may require the Debt Commissioner to state the facts of the case and such question of law, and his decision thereon in a special case; and the Debt Commissioner shall prepare and sign such case, and deliver the same to the person or persons requiring the same, who may within ten days of the date of such case lay a certified copy thereof before one of the divisions of the Court of Session for their decision thereon; and the said division shall, with all convenient speed, hear parties, and give their decision thereon, and shall dispose of all questions of expenses; and, in the event of reversal, the Debt Commissioner shall alter his decision in conformity with the decision of the said division, which shall be final and not subject to review.

Where any creditor shall be found liable in the whole or any part of the expenses of the valuation, as determined by the Debt Commissioner (including a reasonable fee to the Debt Commissioner), the same may be deducted from the sum or sums found due to him before payment thereof, or may be recovered in any other way.

Every determination of the value of a debt in terms of this or the preceding section shall set forth the date at which such debt is so valued, and where made by a Debt Commissioner shall be delivered by him to the creditor in the debt.

Allocation of debts on roads in two or more counties.

66. Where any trust existing at the commencement of this Act comprises any road, highway, or bridge partly situated in or made a burden on two or more counties in Scotland, whether all of such counties shall have adopted this Act or not, the trustees of such counties respectively may adjust, compromise, and determine in what proportions the debts valued as aforesaid affecting such trust shall be allocated and made chargeable upon such counties respectively, and, if they shall fail to do so before the expiration of one month after the date of such valuation, any Debt Commissioner appointed in terms of this Act, on the application of the clerk of any of the said trustees, or of any of the creditors in such debts, shall forthwith proceed to ascertain and determine the proportions in which, according to equity, and taking into consideration all the circumstances of the case, the debts aforesaid ought to be, and shall be, allocated upon, and be a charge against, the several counties respectively,

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and the decision of such Debt Commissioner shall be final: Provided that the expenses of such allocation (including a reasonable fee to the said Debt Commissioner) shall be payable by the said trustees rateably according to the sums of debt allocated to their respective counties.

Allocation of debts between landward parts of counties and burghs.

67. Where any trust existing at the commencement of this Act comprises any road, highway, or bridge situated partly within or made a burden on any burgh or burghs, and any county or counties, or partly within or made a burden on any two burghs, the trustees of such county or counties, whether all of such counties shall have adopted this Act or not, and the local authority or authorities of such burgh or burghs respectively, may adjust, compromise, and determine in what proportions the debts valued as aforesaid affecting such trust shall be allocated and made chargeable upon such county or counties, and burgh or burghs, respectively; and, on their failing to do so before the expiration of one month after the date of such valuation, any Debt Commissioner appointed in terms of this Act, on the application of the clerk of the said trustees, or of the said local authorities, or any of them, or of any of the creditors in such debts, shall proceed forthwith to ascertain and determine the proportions in which, according to equity, and taking into consideration all the circumstances of the case, the debts aforesaid ought to be and shall be allocated upon and be a charge against such trustees and such local authority or authorities respectively, and the decision of such Debt Commissioner shall be final: Provided that the expenses of such allocation (including a reasonable fee to such Debt Commissioner) shall be payable by the said trustees or local authority or authorities, rateably according to the sums of debt allocated to their county or counties, burgh or burghs respectively.

Debts to be charged against counties and burghs, and to bear interest. Certificates of debt to be granted.

68. The debts of each trust when valued and allocated as herein-before provided shall be charges against the trustees of the several counties and local authorities of the several burghs respectively and the assessments to be imposed as herein-after provided for the payment thereof and interest thereon as after mentioned; and the trustees and burgh local authorities shall respectively deliver to each creditor a certificate or certificates in the form or as nearly as may be in the form of Schedule (A.) No. 1. hereunto annexed, signed by the chairman of such trustees or by the provost or chief magistrate of such burgh, as the case may be, and each certificate shall be entered in a register to be kept by the county road clerk or by the clerk of the burgh local authority respectively, and shall be conclusive evidence of the right of such creditor to the said debt, and to interest thereon at the rate of four per centum per annum from

the date of the valuation of such debt. Such certificate may be transferred by such creditor, or any other person having right thereto for the time being, by an indorsation in the form or as nearly as may be in the form of Schedule (A.) No. 2. hereto annexed, which transfer shall be entered in the said register; and the person in whose favour such transfer is made and registered shall acquire thereby the whole rights in regard to such debt and interest thereon of the creditor in whose favour such certificate was originally granted.

Extinction of debts not charged in terms of Act.

69. No debts except those valued and allocated as hereinbefore provided shall be a charge upon the trustees of any county or the local authority of any burgh, and all road debts, except as aforesaid, shall be extinguished, but without prejudice to any claim otherwise competent to the creditors therein against any individual or individuals who may have given any personal or collateral obligation in regard to such debts.

Certain road debts may be charged on entailed estates by bond and disposition in security 1 & 2 W. 4. c. 43. s. 68.

70. Whereas by section sixty-eight of the Act passed in the first and second years of the reign of His Majesty King William the Fourth, chapter forty-three, it is enacted "that it shall and "may be lawful for any proprietor or heir of entail in posses- "sion of any entailed estate, or the tutor or curator of such "proprietor or heir of entail who may be desirous of advancing "or lending any sum or sums of money for the purpose of "making or maintaining any turnpike road or building any "bridge on the same to be made or built subsequent to the "passing of this Act either to bind himself personally as a "trustee of such turnpike road, and also to bind the succeeding "heirs of entail for the repayment of any such sum or sums of "money to any person or persons who may advance the same "to the trustees of such turnpike road, or to advance such sum "or sums, and to render the same a burden upon the said en- "tailed estate and the succeeding heirs of entail, or having "advanced such sum or sums, to borrow the like sum or sums, "and to bind himself and the said estate and the heirs of entail "succeeding thereto for the same; and all bonds and obliga- "tions for money so to be advanced or borrowed and applied "shall be held to bind such proprietors in cases where they "have personally bound themselves and also the heirs of entail "in such estates for the repayment of such money, and such "bonds and obligations shall be valid and effectual against the "granter of the same and also against the heirs of entail suc- "ceeding to them in such entailed estates, and such sums shall "be and continue to be a real burden on such estates till repaid "out of the tolls and duties levied on such turnpike road: "Provided also, that the share or proportion of such sum or "sums of money so to be advanced or borrowed affecting such

A.D. 1878 "succeeding heirs of entail shall not exceed one year's free rent "of the entailed lands of such proprietor situated in each parish "respectively through which any such turnpike road or any part "thereof shall run, or on which such bridge or any part thereof "shall be built, and that the heir of entail in possession of such "entailed estate shall be obliged to keep down the interest of "such sum or sums of money so advanced or borrowed: Pro-"vided also, that it shall not be lawful to the creditor or credi-"tors in right of any such debt to adjudge or otherwise evict "the entailed estate for payment thereof, or any part thereof, "but it shall and may be competent to such creditor or creditors "to prosecute such remedy or remedies against the rents thereof "as are given and allowed by the law of Scotland to heritable "creditors:"

And whereas the obligations for such debts were incurred in reliance upon the continuance of a right to levy tolls, which right will be abolished after the commencement of this Act; and whereas it may happen that under the provisions of this Act the full amount of such debts for which such heirs of entail became liable may not be found included in the amonnt for which certificate of debt is herein-before directed to be granted to the creditor or creditors therein: Be it enacted, That the heirs of entail personally liable for payment of such debts, or for the portion thereof not included in such certificate, shall have all the like powers of charging the fee and rents of the entailed estate, or any portion thereof other than the mansion house, offices, and policies thereof, with the full amount of such debts not included in such certificate, and of granting with the authority of the Court of Session bonds and dispositions in security for the full amount of such debts as aforesaid, as by the Act passed in the thirty-first and thirty-second years of the reign of Her present Majesty, chapter eighty-four, section eleven, are conferred with reference to entailers' debts; and such bonds and dispositions in security may be granted in favour of any parties in the right of such debts at the date when such bonds and dispositions in security are executed.

31 & 32 Vict. c. 84. s. 11.

Provisions for Payment of Debt.

Payment of interest under the provisions of this Act.

71. Until all the debts for which certificates of debt have been granted as herein-before provided shall have been paid as herein-after provided, the trustees shall annually investigate and determine what sum of money is requisite to pay the interest of such debts remaining unpaid chargeable against the county for the current year, and shall impose and cause to be levied an assessment on all lands and heritages within the

county at such a rate as shall be necessary to provide the aforesaid sum; and in like manner the local authority of a burgh shall impose and levy annually such an assessment as may be necessary to pay the interest of such debts remaining unpaid as are under the provisions of this Act charges against the burgh.

Trustees and burgh local authority to resolve to pay off debt.

72. The trustees of each county shall, at the first general meeting after such allocation, resolve that the debts affecting the highways within such county, if any, valued and allocated as herein-before provided, shall be paid and provided for, and shall give to the creditors therein notice of their intention to pay the same at the ensuing term of Whitsunday or Martinmas, as the case may be, occurring not less than three months after such notice; and the local authority of each burgh shall, at a special meeting held for the purpose, not later than one month after such allocation, resolve that the debts affecting the highways within such burgh, if any, valued and allocated as herein-before provided, shall be paid and provided for, and shall give to the creditors therein notice of their intention to pay the same at the ensuing term of Whitsunday or Martinmas, as the case may be, occurring not less than three months after such notice.

Payment and discharge of debts.

73. At the term of Whitsunday or Martinmas, mentioned in the notice to the creditor in any debt, the trustees or local authority, as the case may be, shall make payment to such creditor of the sum specified in the certificate of debt held by him, along with the interest thereon from the date of valuation until the date of payment, except in so far as already paid, and the creditor shall be bound to deliver up such certificate, with a discharge thereon as nearly as may be in the form of Schedule (A.) No. 3. hereunto annexed, and such discharge shall be entered in the register herein-before mentioned.

Assessment for payment of debt.

74. After such resolution to pay the debts has been adopted by the trustees of any county, such trustees shall impose and levy annually an assessment on the whole lands and heritages within the county as appearing on the valuation roll; and after such resolution has been adopted by the local authority of any burgh, the said local authority shall impose and levy annually an assessment upon the whole lands and heritages within the burgh appearing on the valuation roll; and such assessment shall be imposed and levied in the county or burgh respectively at such rates as shall be sufficient to provide a sum equal to not less than one fiftieth part of the total debt valued and allocated on such county or burgh respectively, and also the yearly interest on such debt, or the balance thereof from time to time remaining due, at a rate not exceeding five pounds per centum per annum.

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All assessments for payment of debt, and for payment of interest on any debt, shall be paid by proprietors only.

Trustees and burgh local authority may borrow on security of assessments.

75. It shall be lawful for the trustees of any county, or the local authority of any burgh, respectively, to borrow on the security of the assessments for the payment of debts to be levied under this Act within their respective boundaries, all or any moneys required in such county or burgh for the purpose of paying off such debts, and such moneys may be borrowed at any rate of interest not exceeding five pounds per centum per annum; and such moneys may be borrowed under an assignation in security in the form contained in the Schedule (B.) No. 1. to this Act annexed, or to the like effect, which shall be duly executed, if signed, in the case of moneys borrowed by the trustees, in the manner and by the person or persons hereinafter appointed for the purpose, and in the case of money borrowed by the local authority of any burgh, by the provost or chief magistrate and clerk of the local authority of such burgh; and every such assignation in security shall be effectual for securing to the person advancing the sum of money in such deed expressed to be advanced, and to his heirs, executors, and assignees, the repayment thereof, with interest for the same, after such rate and at such time and in such manner as in such assignation in security provided: and the said assignations in security shall be numbered in the order of succession in which they are granted, and shall be entered by the county road clerk or clerk of the burgh local authority, as the case may be, in a book to be called the register of "road debt securities," to be kept by them for that purpose; and every such assignation in security shall be validly transferred by an indorsation on such assignation in security, by the person entitled thereto for the time being, of a transfer in the form or as nearly as may be in the form of the Schedule (B.) No. 2. hereunto annexed; and the persons in right of such assignations in security shall be creditors upon the assessments thereby expressed to be assigned in security in an equal degree one with another, and shall not have any preference or priority other than is provided in such assignations in security under the powers of this Act.

Loans to be repaid out of assessments imposed under authority of Act.

76. The trustees of any county, and the local authority of any burgh, by whom any such assignations in security as aforesaid shall have been granted, shall annually make payment to the creditors therein, out of the assessments coming into their hands for that purpose, of interest at a rate not exceeding five pounds per centum per annum on the sums contained in any such assignations in security, and also of such farther sums to account of the principal sums contained in such assignations in security as will extinguish the same within the currency of the

assessments for extinction of debt to be levied under the powers of this Act; and the said trustees and local authority of any burgh shall, by agreement with the persons advancing any money as aforesaid, determine the order of priority in which the several sums advanced shall be respectively discharged; and the trustees of each county, and local authority of each burgh so borrowing any moneys, are hereby required to keep an exact and regular account of all receipts and payments in respect of principal moneys borrowed as aforesaid, and the interest thereof, in a book or books separate and apart from all other accounts.

Provision for protection of lenders on security of assessments.

77. No person lending any moneys as aforesaid, and taking an assignation in security for repayment thereof, executed in manner directed or allowed by this Act, and purporting to be made under the authority of this Act, shall be bound to require proof that the several provisions of this Act have been duly complied with; and it shall not be competent to any ratepayer or other person to question the validity of any such assignation in security on the ground that such provisions have not been complied with.

Trustees and burgh local authority may pay off loans, and borrow money for that purpose.

78. Where any moneys shall have been borrowed under the powers of this Act, it shall be lawful for the trustees, or local authority by whom such moneys shall have been borrowed, to pay off the moneys so borrowed, and again to borrow the moneys necessary for that purpose, and also to repay the said last-mentioned moneys, and the interest thereof, under the powers of this Act, but so nevertheless that all moneys borrowed shall be repaid within a period not exceeding fifty years from the time when the assessment for the extinction of debt was first imposed by them under the provisions of this Act.

Unclaimed instalments to be consigned.

79. In case any debt or interest due thereon shall remain in the hands of the trustees of any county, or local authority of any burgh, unclaimed by the persons entitled thereto for the period of three months after the term of Whitsunday or Martinmas at which the same respectively became payable, the trustees and local authority shall respectively be exonered and discharged in so far as respects such debt or interest by consignation thereof in the name of the several persons entitled thereto, so far as known to them, in any chartered or incorporated bank in Scotland.

Sums payable to persons under disability may be consigned. 8 & 9 Vict. c. 19.

80. Any sums payable under this Act to persons under disability may be consigned in bank in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, in the case of moneys payable to persons under disability.

81. The provisions of this Act shall not apply to the prin-

A.D. 1878 cipal money or interest of the debt due to the Public Works Loan Commissioners or their secretary on their behalf from the Mull district of roads trustees, nor to any debt due by the district road trustees of any of the several districts into which the county of Argyll is divided, for the purposes and under the powers and provisions of the Argyllshire Roads Act, 1864: but notwithstanding any of the provisions of this Act, the whole of such principal money and interest shall remain secured and payable and recoverable in terms of the securities given for the same.

Saving as to loan to Mull district of Argyllshire. 27 & 28 Vict. c. ccvi.

General Provisions as to Assessments.

Terms at which assessments shall be payable.

82. All assessments imposed under the authority of this Act shall be deemed and taken to be for the year from the fifteenth day of May preceding the date of imposing the same, and shall, subject to the provisions herein-after contained, be imposed according to the valuation of the lands and heritages in the valuation roll in force for the year in which such assessment is imposed, and the same shall be made payable on or before a day to be fixed at the time of imposing the same, not earlier than the first day of November and not later than the first day of February then next ensuing.

Collection of assessments.

83. All assessments imposed by the trustees under the provisions of this Act may be levied and collected by the county road collector, or such other person or persons as the trustees may from time to time appoint; provided that it shall be lawful for the trustees, if they shall see fit, to require the commissioners of supply of the county to collect the assessments upon lands and heritages imposed by the trustees under the provisions of this Act, and the commissioners of supply of the county shall cause all such assessments to be levied and collected, when required to do so by the trustees, who shall be liable for and pay the whole necessary expenses attending such collection.

Board to hear appeals.

84. All appeals by persons complaining that they have been improperly assessed in respect of any assessment imposed by the trustees under the provisions of this Act shall be heard and determined by the board, or in the case of any insular district by the district committee of such district; and the trustees when imposing any assessment shall fix a day, not being less than fourteen days preceding the day on which such assessment under this Act is made payable, on or before which appeals by any persons complaining that they have been improperly assessed shall be lodged with the county road clerk, or in the case of insular districts with the district clerk, as the case may

be, and another day, not less than fourteen days thereafter, on which such appeals shall be heard: Provided that notice of both such days shall be given upon or along with the notice of assessment: Provided also, that it shall be lawful for the board to relieve from assessment any occupiers of lands and heritages under the annual value of four pounds, as appearing on the valuation roll, on the ground of poverty. A.D. 1878

Power to recover assessments imposed by trustees.

85. The whole powers and rights of issuing summary warrants and proceedings, and all remedies and provisions enacted for recovery of the land and assessed taxes, or either of them, and other public taxes shall be applicable to the assessments by this Act authorised to be imposed and levied by the trustees of any county, and sheriffs, magistrates, justices of the peace, and other judges may, on the application of the clerk or collector, grant warrant for the recovery of such assessments, in the like form and under the like penalties as is provided in regard to such land and assessed taxes and other public taxes: Provided, nevertheless, that it shall be competent to the trustees to prosecute for and recover such assessments by action in the sheriff small debt court, or in any other court, as the case may be, and that in any summons, complaint, or action for the recovery of such assessments more than six defenders may be cited and called, any law or practice to the contrary notwithstanding; and all assessments imposed in virtue of this Act shall, in the case of bankruptcy or insolvency, be preferable to all debts of a private nature due by the parties assessed.

Assessments in burghs, how to be levied and recovered.

86. The local authority of any burgh shall, in the imposing, levying, and recovering of the assessments authorised by this Act, possess the whole powers, rights, and remedies in force for the time being within such burgh, with reference to the imposing, levying, and recovering of the police assessment, or if there be no police assessment, any other assessment or rate levied by the local authority within such burgh; and the assessments authorised by this Act shall be subject to like exemptions and restrictions as are applicable to the said police assessment or other assessment or rate, and may be collected either separately or along therewith. The whole amount of the assessments authorised by this Act may be levied on and recovered from the tenant or occupier, who, on payment and on production of a receipt therefor by the collector, shall be entitled to deduct one half of the amount, or in the case of assessments for payment of debt and interest thereon the whole amount thereof, from the rent payable to the proprietor; and all such assessments shall, in the case of bankruptcy or insolvency, be preferable to all debts of a private nature due by the persons assessed; provided that it shall be lawful for the local authority

A.D. 1878 to relieve from assessment the occupiers of lands or heritages under the annual value of four pounds as appearing on the valuation roll, on the ground of poverty.

Burgh may apply certain funds to maintenance of roads in lieu of assessments.

87. When in any burgh there shall be funds available, and which may be lawfully applied, for the maintenance and repair of highways therein, under the control of the local authority of any burgh, or for the payment of debt affecting any such highways, such local authority may apply such funds for such purposes in aid of the assessment authorised to be imposed by this Act; or otherwise, if such funds shall be sufficient for such purposes, the whole or such part thereof as may be necessary may be so applied, in place of making an assessment under the provisions of this Act.

Special Provisions as to certain Bridges.

As to cost of maintaining, &c. certain bridges.

88. Whereas there are or may be bridges in Scotland which accommodate or may accommodate the traffic not only of the county or counties or burgh or burghs, as the case may be, within which they are locally situated, but also of the adjoining county or of other counties and burgh or burghs, or one or more of them, and it is not reasonable that the whole burden of managing, maintaining, repairing, and if need be, rebuilding such bridges and of paying the debt affecting or which may affect the same, should be imposed upon the county or burgh within which they are so situated: Be it enacted, that in respect of such bridges the following provisions shall have effect:

(1.) The trustees of counties and burgh authorities may agree that any such bridge accommodates other traffic than that of the county or burgh in which it is situate, and may agree as to the proportions in which the debt (if any), and the cost of maintenance and, if need be, of rebuilding such bridge shall be borne and defrayed by the county or counties and burgh or burghs to which it is common; and such agreement, when confirmed by a resolution of the trustees in general meeting and of the burgh authorities, shall have the same force and effect as an order by the Secretary of State, as provided herein-after.

(2.) It shall be lawful for the county road clerk or clerk of supply of any county, or for the town clerk or clerk of any burgh to apply to the Secretary of State to determine that any bridge locally situated within a county or burgh in respect of its accommodating other traffic than that of such county or burgh only, shall be deemed to belong in common to the county

or counties, and burgh or burghs, to be named in his determination: A.D. 1878

(3.) Upon such application being presented to the Secretary of State, he may, if he shall think fit, by any writing under his hand appoint any two persons as commissioners to institute a local inquiry as to the circumstances of the case, and after hearing all parties interested, to report thereon to the Secretary of State, and for the purposes of such inquiry the commissioners shall have power, after such public notice as they may think sufficient, to examine witnesses on oath, and to call for such documents as they may consider necessary, and to do all such matters and things as may seem expedient to them for the purposes of the inquiry:

(4.) If the commissioners are of opinion that the Secretary of State should determine that the burden of managing, maintaining, repairing and, if need be, rebuilding the bridge mentioned in the application and of paying the debt affecting or which may affect the same should not be borne wholly by the county or burgh within which the same is locally situated, they shall prepare and transmit along with their report the draft of the determination which they recommend that the Secretary of State should make, setting forth therein the proportions in which such burden should be borne by the county or counties, or part or parts, or district or districts of such county or counties, and by the burgh or burghs named in the determination:

(5.) The Secretary of State after such further inquiry, if any, as he shall deem necessary, may approve of the draft submitted with or without alterations, and any determination made by him under his hand and seal, shall have the same effect as if it were contained in this Act: Provided always, that such determination shall be laid before both Houses of Parliament, and if either House of Parliament, within forty days after the same has been so laid before it, resolve that such determination ought not to take effect, the same shall be of no effect (without prejudice to the making of any new determination), but otherwise shall come into operation at the expiration of the said forty days, or any later date mentioned in the determination:

(6.) The Secretary of State may make orders as to the costs

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incurred in relation to any inquiry under this section, including the reasonable remuneration of the said commissioners, and as to the parties by whom such costs shall be paid, and the funds or assessments against which they shall be charged; and the Court of Session may interpone their authority to any order made by the Secretary of State as to such costs, and may grant decree conform thereto, upon which execution and diligence may proceed in common form.

Special Provisions for Highways in Counties of Lanark and Renfrew.

Special provisions for highways in counties of Lanark and Renfrew.

89. Whereas it is expedient to make special provision in this Act in regard to the highways within the counties of Lanark and Renfrew: Be it enacted as follows:

This Act shall commence to have effect within the counties of Lanark and Renfrew (including the burghs situated or partly situated therein) on the first day of June, one thousand eight hundred and eighty-two, but subject to the provisions following; (that is to say,)

(1.) The debts affecting the turnpike and statute labour roads within the counties of Lanark and Renfrew, including the burghs therein situated, after having been valued as herein-before provided, shall be charged, and are hereby allocated upon the said counties and the burghs therein situated, in the proportion of their respective valuations at the commencement of this Act, as appearing from the valuation rolls then in force. The debts so allocated shall in all respects be deemed to be debts allocated in terms of this Act, and all the provisions of this Act with respect to debts which have been valued and allocated shall have effect with reference thereto:

(2.) The city of Glasgow, and the burghs of Rutherglen, Govan, Partick, Maryhill, Hillhead, Crosshill, Kinningpark, Pollockshields, and Govanhill shall jointly contribute the sum of twelve thousand five hundred pounds annually towards the cost of maintaining the roads, highways, and bridges within the counties of Lanark and Renfrew. The said sum shall be a charge upon and be paid by the said city and the said burghs, in the proportion of their respective valuations at the commencement of this Act appear-

ing as aforesaid, and shall be divisible between and be paid to the said counties, or any districts into which the same may be divided, in terms of this Act, in the manner and in the proportions which shall be determined by a commissioner appointed for the purpose by the Secretary of State, and shall be applied towards the maintenance of the roads, highways, and bridges within such counties or districts respectively, and in diminution, pro tanto, of the assessments for such maintenance leviable therein in terms of this Act. The amount falling to be paid by each such city and burgh to each such county or district respectively shall be payable at the expiration of one year from the date at which tolls shall cease to be exigible within such county or district, and at the expiration of each successive year thereafter; and if not paid when due, may be recovered with expenses in the Court of Session, at the instance of the county road clerk of the county. The Secretary of State may make orders as to the remuneration and travelling or other expenses of the said commissioner, and as to the parties by whom such costs shall be paid, and the funds or assessments against which they shall be charged; and the Court of Session may interpone their authority to any order made by the Secretary of State as to such costs, and may grant decree conform thereto, upon which execution and diligence may proceed in common form: A.D. 1878

Provided always, that if at any time after the expiration of five years from and after the commencement of this Act, within the counties of Lanark and Renfrew, it shall appear to the trustees of the said counties, or either of them, or to the burgh local authority of the city of Glasgow, or of any one of the said burghs, that, having regard to the cost of maintaining the roads, highways, and bridges within the said counties, or either of them, the payment of the said sum of twelve thousand five hundred pounds sterling should be altered, the trustees of the said counties, or either of them, or the said burgh local authority, may from time to time apply to the Secretary of State to make a Provisional Order altering the said payment, and the Secretary of State may issue a Provisional Order under his hand and seal of office, in relation to the

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matters mentioned in the application, either in accordance with the prayer thereof or with such modifications or alterations as may appear to him to be requisite, and the whole procedure prescribed by section nine of this Act with reference to the Provisional Orders thereby authorised, and the confirmation thereof, shall be and are hereby made applicable to the Provisional Orders authorised by this section; or the trustees of the said counties, or either of them, or the burgh local authority may, instead of applying to the Secretary of State to make a Provisional Order, apply to Parliament by Private Bill to effect the said objects, provided that such Private Bill shall not contain any provisions except such as may be necessary to effect such alteration:

(3.) If it shall appear to the local authority of Glasgow, or of any of the burghs mentioned in this section, that any road, highway, or bridge within two miles of their respective boundaries is not, in whole or in part, maintained in a sufficient state of repair, having regard to the traffic passing over the same, it shall be lawful for the clerk of such local authority to apply, in a summary way, to the Lord Ordinary on the Bills in the Court of Session, and the Lord Ordinary, after inquiry, may make such order as to him shall seem proper to remedy the evil complained of, and may ordain the said order to be carried into effect by, and at the sight of, such persons as he may think fit, and at the expense of the county, or district, as the case may be, and such order, which may also dispose of the expenses of the application, shall be final and not subject to review. The sums expended in terms of this section shall be deemed to be sums expended in the execution of this Act:

(4.) From and after the date at which the annual contribution mentioned in this section shall commence to be payable, the sum of eight hundred and sixty pounds now payable by the lord provost, magistrates, and council of Glasgow as coming in place of the board of police of Glasgow to the statute labour road trustees of the barony parish of Glasgow, and the sum of sixty pounds now payable by them to the statute labour road trustees of the parish of Govan respectively, shall cease to be so payable:

(5.) The populous places of Govan, Partick, Maryhill, Hillhead, Crosshill, Kinningpark, Pollockshields, and

Govanhill shall, irrespective of their population, be deemed to be burghs within the meaning and for the purposes of this Act. A.D. 1878

Special Provisions as to Highways partly in England.

As to cost of maintaining, &c. highways partly in England.

90. Where any trust existing at the commencement of this Act comprises a road, highway, or bridge which is situated partly in Scotland and partly in England, the following provisions shall have effect; (that is to say,)

(1.) It shall be lawful for the county road clerk or clerk of supply of any county in Scotland in which such road, highway, or bridge is partly situated, or for any other person interested, to apply to the Secretary of State to determine the manner in which such road, highway, or bridge shall be managed, maintained, repaired, and (in the case of a bridge) if need be rebuilt, and also the manner in which the debts affecting such trust and the property and assets belonging thereto shall be valued and allocated upon or among, as the case may be, the county or counties and burgh or burghs in Scotland, and the road authority in England to be named in his determination:

(2.) Upon such application being presented to the Secretary of State, he may, if he shall think fit, by any writing under his hand appoint any two persons as commissioners to institute a local inquiry as to the circumstances of the case, and after hearing all parties interested, to report thereon to the Secretary of State, and for the purposes of such inquiry the commissioners shall have power, after such public notice as they may think sufficient, to examine witnesses on oath, and to call for such documents as they may consider necessary, and to do all such matters and things as may seem expedient to them for the purposes of the inquiry:

(3.) The commissioners shall prepare and transmit along with their report the draft of the determination which, having regard to the general provisions of this Act, they recommend that the Secretary of State should make in the premises:

(4.) The Secretary of State after such further inquiry, if any, as he shall deem necessary, may approve of the draft submitted with or without alterations, and any determination, which, if he shall think proper, may

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include a provision that the aforesaid trust shall be continued in the manner and for the period therein mentioned for the purpose of levying tolls on the portion of such road or highway in England, made by him under his hand and seal, shall have the same effect as if it were contained in this Act: Provided always, that such determination shall be laid before both Houses of Parliament, and if either House of Parliament, within forty days after the same has been so laid before it, resolve that such determination ought not to take effect, the same shall be of no effect (without prejudice to the making of any new determination), but otherwise shall come into operation at the expiration of the said forty days, or any later date mentioned in the determination:

(5.) The Secretary of State may make orders as to the costs incurred in relation to any inquiry under this section, including the reasonable remuneration of the said commissioners, and as to the parties by whom such costs shall be paid, and the funds or assessments against which they shall be charged; and any such order may be made a rule of Her Majesty's High Court of Justice, and may be enforced accordingly; and the Court of Session may interpone their authority to any order made by the Secretary of State as to such costs, and may grant decree conform thereto, upon which execution and diligence may proceed in common form.

Miscellaneous Special Provisions.

Certain existing districts to be deemed counties.

91. In every case where, at the passing of this Act, in any county tolls and statute labour have been abolished or are not exigible, and where such county has been divided under any local Act or Acts into two or more separate districts as respects the maintenance and management of roads, highways, and bridges, and the road trustees qualified within each of such several districts have the management of the roads, highways, and bridges therein, together with the power of imposing, levying, and collecting the assessments requisite for making, repairing, and managing the same, each of such several districts in all time after the passing of this Act shall form and shall be regarded as a separate county for the purposes of this Act, and all the provisions of this Act relating to counties shall apply to each of such several districts, and the whole

powers and obligations conferred by this Act on county road trustees shall be vested in and may be exercised by the road trustees acting within each of such districts in terms of this Act: Provided that where necessary for giving effect to the provisions contained in this section "convener of county" shall be held to mean and include district chairman and convener, and "clerk of supply" shall be held to mean and include district road clerk appointed and acting under the local Act.

County of Lanark to be deemed and taken to be three counties in the sense of this Act.

92. For all the purposes of this Act in connection with which the county of Lanark is not specially named, the Lower Ward, Middle Ward, and Upper Ward of the county of Lanark shall each be deemed and taken to be a county in the sense of this Act, under the designations of the "County of the Lower Ward of Lanark," the "County of the Middle Ward of Lanark," and the "County of the Upper Ward of Lanark," respectively, and the convener of the county of Lanark shall for the purposes of this Act be the convener of each of such three counties, and it shall not be obligatory upon, but only permissive to, the trustees of such counties to divide them into districts for the purpose of managing the highways under their control, or for any other purposes under this Act. A certified copy of the list of commissioners of supply of the county of Lanark, made up as before mentioned, shall be delivered as above provided to the county road clerk of each of such three counties, and each commissioner of supply whose name appears upon such list shall be a county road trustee in such of these three counties in which he may have the qualification of a commissioner of supply, but subject to the provision that no factor whose name appears on such list shall be entitled to act or vote except in the absence of the proprietor.

As to certain bridges and ferries in Dumbartonshire.

93. Upon the expiration of six months after the commencement of this Act in the county of Dumbarton, the bridges and rights of ferry over the River Leven, at the ferries of Balloch and Bonhill respectively, and the pontages or duties leviable thereat, shall vest in the county road trustees of that county, and those bridges shall be maintained and managed by them, and the right of the proprietors of the said bridges and ferries to levy such pontages or duties shall thereafter cease; and the said county road trustees shall, at the said date of vesting, pay to such proprietors respectively the values of the said bridges, rights of ferry, pontages, and duties as at the date of the commencement of this Act in the said county, with interest at the rate of five per centum per annum from and after the said date of commencement until payment, under deduction of the net proceeds of such pontages or duties during the said period of

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8 & 9 Vict. c. 19.

Transfer of undertaking of city of Edinburgh Road Trust to Corporation of the city. Property vest-

94. From and after the second Monday of December one thousand eight hundred and seventy-eight, the sections of the Edinburgh Roads and Streets Act, 1862, from four to twenty-two, both inclusive, and from seventy-nine to eighty-six, both inclusive, shall be and the same are hereby repealed, and the body of trustees thereby constituted under the name and description of the city of Edinburgh Road Trust shall thereon cease to exist; and from and after the said date the whole

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powers and authorities of every kind vested in the trustees under the said Act, or conferred on them by or under authority of any other Act of Parliament, shall be and the same are hereby transferred to and vested in the Town Council of the city of Edinburgh, who shall thenceforward, as part of the ordinary business of the town council, and according to the rules by which the conduct of such business is regulated, including the mode of estimating expenditure, and of keeping, making up, auditing, certifying, and publishing of accounts, exercise the whole powers and authorities of the said road trust, and perform the whole duties and obligations, and fulfil all contracts incumbent on the said trust; and in construing the said Act, and any other Act in which the said road trustees are named, the expression "the trustees," or any other expression referring to the said road trustees, shall be read as if the "Town Council of Edinburgh" had been inserted instead thereof. And the whole lands, houses, assessments, duties, claims, demands, rights, properties, and effects of every kind, heritable or moveable, belonging to or vested in or leviable or exigible by the said road trust, or any person on their behalf, under and in virtue of the said Roads and Streets Act (but subject to any liabilities to which the same are legally liable), shall from and after the aforesaid date become vested in and belong to and be leviable and exigible by the Town Council of Edinburgh for the purposes of the said Act, as fully and effectually to all intents and purposes as if the same had been formally and particularly conveyed to and vested in them, with full power, right, and authority to the Town Council of Edinburgh to levy, adjudge, sue for, and recover the same. And all bonds, obligations, assignments, leases, grants, conveyances, or other deeds or securities legally made or granted to or by the said road trust or any person under authority of the said Act shall be good, valid, and effectual to all intents and purposes; and all debts contracted, and all lawful contracts entered into by the said road trust or any person on their behalf by virtue of the said Roads and Streets Act, or any other Act, shall remain valid and binding upon the Town Council of Edinburgh under authority of this Act. And it shall be lawful for the Town Council of Edinburgh to continue any of the officers employed by the said road trust or to make such provision for their retirement or otherwise out of the rates under the said Edinburgh Roads and Streets Act, 1862, or this Act, as may be by them considered just and expedient: Provided always, that, notwithstanding the adoption of this Act or its becoming operative within the county of Edinburgh, the provisions of the said Edinburgh Roads and Streets Act, 1862, not hereby specially

ed, Deeds, &c. to be valid.

Officers.

25 & 26 Vict. c. liii.

25 & 26 Vict. c. liii.

25 & 26 Vict. c. liii.

A.D. 1878 repealed, shall, in addition to the provisions of this Act and in so far as not inconsistent with this Act, apply and continue to be applicable to the burgh of Edinburgh as if the said burgh were the district defined in the said Edinburgh Roads and Streets Act, 1862.

25 & 26 Vict. c. liii.

As to a bridge in Elginshire. 26 & 27 Vict. c. ccxiv.

95. The county road trustees of the county of Elgin may, at any annual general meeting called in terms of the Elgin and Nairn Roads and Bridges Act, 1863, resolve forthwith to pay off the balance remaining due of the sum of money borrowed for the purposes of the bridge over the River Findhorn, near Dalvey, and if they shall so resolve, they shall add the sum required to pay off such balance to the amount required to be raised in the ensuing year for the maintenance, repair, and management of roads, highways, and bridges within the said county, and shall assess therefor accordingly; and as soon as the said balance has been paid, it shall be deemed that the whole sums of money borrowed for the purposes of the said bridge, and the interest thereon, have been fully paid and extinguished within the meaning of the thirty-seventh section of the Elgin and Nairn Roads and Bridges Act, 1863.

26 & 27 Vict. c. ccxiv.

Provision as to adoption of Act in the county of Haddington.

96. In the event of this Act being adopted in the county of Haddington, or otherwise coming to have effect therein, the same shall be subject to the following provisions:

(1.) On the application of the local authority of any burgh within the said county, the road trustees of the said county and such local authority may, at the time this Act is adopted or comes to have effect therein as aforesaid, or at any time thereafter, fix and determine that the area of such burgh for the purposes of this Act shall not be the area thereof for police purposes, but shall be such lesser area as they may fix and determine; and in case of difference between the trustees and such local authority, the sheriff of the said county, on application made to him by either of the parties, and after giving such notices as to him may appear proper, shall adjudicate on the matter, having regard to the area of such burgh as fixed and defined by the Haddingtonshire Roads Act, 1863, and to all the circumstances of the case, and the decision of the sheriff shall be final:

26 & 27 Vict. c. ccxv.

(2.) At any time, but not earlier than ten years after the date when the area of any burgh for the purposes of this Act has been fixed and determined as aforesaid, the trustees and the local authority of any such burgh may revise the boundaries of such area, and may agree that the area for police purposes of such burgh, or

such other lesser area as they may fix and determine, shall be the area of such burgh for the purposes of this Act, and in case of difference the sheriff, on the application of either party, shall adjudicate on the matter in manner before provided, and his decision shall be final:

(3.) Until the area of any burgh within the said county for the purposes of this Act is fixed and determined under the provisions of this section, the boundaries of such burgh for the purposes of this Act shall be those for police purposes.

Ayr Bridge Act, 1877, reserved. 40 & 41 Vict. c. lxvi.

97. Notwithstanding anything in this Act contained, the Ayr Bridge Act, 1877, and the powers of taking tolls thereby conferred, shall continue in force until the first day of November one thousand eight hundred and ninety-seven, or until such earlier time as the bridge by that Act authorised to be constructed shall, in manner therein directed, be declared free from toll, and no longer; and from and after the time at which this Act is adopted, or commences to have effect, in the county of Ayr, the persons who then are the Trustees for carrying the Ayr Bridge Act, 1877, into execution shall continue to act as such Trustees so long as the last-mentioned Act shall continue in force, and, after that Act shall cease to be in force, the said bridge shall, subject to the provisions of this Act, be vested in and maintained and managed by the local authority of the burgh of Ayr.

40 & 41 Vict. c. lxvi.

Provisions for debts contracted under the Forfarshire Roads Act, 1874. 37 & 38 Vict. c. cxlvii.

98. The sums of money borrowed under the Forfarshire Roads Act, 1874, before the commencement of this Act, in the county of Forfar, shall not be included in the list of debts made up under the provisions of this Act, but every sum so borrowed shall (so far as unpaid) be held to be a debt of the particular district or burgh by which the money was borrowed, and shall be a first charge on the assessment levied under this Act, or any other Act or Provisional Order confirmed by Parliament, for the maintenance and repair of the roads, highways, or bridges, within such district or burgh, and the creditors in such debts shall have over such assessment the same rights which creditors under this Act have over the assessment for the payment of debt, and the bonds, mortgages, or other securities in evidence of such debts shall be held to be of the same nature and be dealt with in the same way as the bonds, mortgages, or other securities, as the case may be, granted under this Act; and considering that by the Forfarshire Roads Act, 1874, Kirriemuir is, for the management, maintenance, and repair of the roads within it, separated from the county of Forfar, Kirriemuir shall for all the purposes of this Act be held to be a burgh.

37 & 38 Vict. c. cxlvii.

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Saving of Acts transferring roads to the local authority of the burgh of Dundee.

99. Nothing in this Act contained shall prejudice or affect any Act by or under which the turnpike roads and statute labour roads within the burgh of Dundee have been transferred to the local authority of such burgh.

Saving annuity by North British Railway Company to burgh of Burntisland. 36 & 37 Vict. c. ccix.

100. Nothing in this Act contained shall affect or prejudice the right of the magistrates and town council of the burgh of Burntisland to the annuity of two hundred pounds secured to them by the North British Railway Company under an agreement between the said magistrates and town council and railway company, dated the sixteenth and eighteenth days of September one thousand eight hundred and seventy-two, and confirmed by the North British Railway Act, 1873.

Saving as to Leith harbour. 11 & 12 Vict. c. cxxiii. 26 & 27 Vict. c. 60.

101. Nothing in this Act contained shall be construed to relieve the Commissioners for the Harbour and Docks of Leith of any statutory obligation incumbent on them in regard to the making, maintenance, or repair of roads, streets, quays, or bridges within the burgh of Leith, and the exemption to which such commissioners are entitled under the Acts of the eleventh and twelfth Victoria, chapter one hundred and twenty-three, and of the twenty-sixth and twenty-seventh Victoria, chapter sixty, shall remain in force and shall extend and apply to all assessments under this Act.

Continuing in force provisions of local Acts with respect to buildings, &c. on sides of roads. 1 & 2 W. 4. c. 43.

102. Notwithstanding the herein-before contained enactments that the local Acts now in force relating to turnpike roads and statute labour roads shall cease to be in force at the respective times herein-before provided, all the provisions of such Acts which provide that houses, walls, or other buildings shall not be erected, or that new enclosures or plantations shall not be made within certain distances therein specified from the centre of such respective roads which are greater than the distance prescribed by section ninety-one of the Act first and second King William the Fourth, chapter forty-three, applied by this Act to those roads, are hereby continued in force; and the trustees, boards, district committees, and burgh local authorities having the management of such respective roads, and their officers, may enforce such provisions in the same manner as the trustees having the management of such respective roads under such local Acts and their officers might now enforce the same.

Powers to trustees to increase assessments.

103. In counties having local Acts under which tolls and statute labour have been abolished or are not exigible, and the assessments for the maintenance and repair of the roads and bridges therein are payable one-half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which the same are imposed, but the rates at which such assessments may be imposed are limited to a maximum, it shall

be lawful for the trustees of such counties, notwithstanding anything in such local Acts contained, to increase the rates beyond those specified in such local Acts, if it shall be found necessary or expedient so to do, for the purpose of effectually carrying out the provisions of the said local Acts. A.D. 1878

Byelaws.

104. The trustees may from time to time make, with respect to all or any highways within their jurisdiction, and, when made, may alter or repeal byelaws for all or any of the purposes following; (that is to say,) Byelaws.

(1.) For the general regulation of traffic on highways; and

(2.) For prohibiting the use of any waggon, cart, or carriage, drawn by animal power, and having wheels of which the fellies or tires are not of such width in proportion to the weight carried by, or to the size of, or to the number of wheels of such waggon, cart, or carriage, as may be specified in such byelaws; and

(3.) For prohibiting the use of any waggon, cart, or other carriage, drawn by animal power, not having the nails on its wheels countersunk in such manner as may be specified in such byelaws, or having on its wheels bars or other projections forbidden by such byelaws; and

(4.) For prohibiting the locking of the wheel of any waggon, cart, or carriage, drawn by animal power, when descending a hill, unless it is locked in such manner as to prevent the road from being destroyed or injured by the locking of such wheel; and

(5.) For prohibiting the erection of gates across highways except under regulations specified in such byelaws.

Penalties to be recovered summarily may be imposed by any such byelaws on persons breaking any byelaw made under this section: Provided, that no such penalty exceeds for any one offence the sum of two pounds, and that the byelaws are so framed as to allow of the recovery of any sum less than the full amount of the penalty.

No byelaw shall be binding until it has been approved of by the sheriff, after it has been published in some newspaper circulating in the county at least ten days before the sitting of the sheriff for its consideration.

Miscellaneous.

105. For the purposes of this Act, the signature of the

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Authentication of documents relating to the execution of Act.

chairman of the trustees or of the chairman of the board, or of the preses of any meeting of the trustees or of the board, or of the chairman or preses of any district committee to be appointed in terms of this Act, adhibited to any writing or document except as herein-after provided, shall be equivalent to the signatures of the whole trustees or members of the board, or of the whole members of such district committee present at a meeting thereof respectively; and the addition to such signature of the word "chairman" or "preses" shall be good primâ facie evidence that such signature is the signature of such chairman or preses, as the case may be, and that such writing or document is genuine and authentic.

Minutes of trustees, &c. to be receivable in evidence.

106. Any minute made of proceedings at meetings of the trustees, board, or district committee, if signed either at the meeting of the trustees, board, or district committee at which such proceedings took place, or at the next ensuing meeting of the trustees, board, or district committee by any person purporting for the time being to be the chairman or preses of such meeting, shall be receivable in evidence of such proceedings in all legal proceedings without further proof; and until the contrary is proved every meeting of the trustees, board, or district committee, where minutes have been so made of the proceedings shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

Actions now pending transferred to trustees under Act.

107. No action, prosecution, or other proceeding by or against the trustees or other persons acting before the commencement of this Act, under the authority of any general or local Act, in relation to the roads, highways, and bridges vested in the county road trustees or burgh local authority, as the case may be, under this Act, shall cease or be discontinued or be prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the said county road trustees or burgh local authority, as the case may be, under this Act, in the same manner in all respects as the same would have continued and taken effect in relation to the trustees or other persons under any of the said general or local Acts, if this Act had not been passed: Provided, that if any question shall arise as to whether any action, prosecution, or other proceeding should be carried on at the instance of or against the county road trustees or the burgh local authority, the same may be disposed of incidentally, and without any action of transference or other separate proceeding by the court or judge before whom such action, prosecution, or proceeding depends.

Former trustees to account for moneys

108. All persons acting or who have acted under any of the general or local Acts in force at the commencement of this Act as trustees of any of the turnpike roads, statute labour roads,

highways, or bridges within the county, or as clerks or officers of such trustees, who shall, at the commencement of this Act, have in their custody, power, or possession any moneys collected by virtue of such Acts, or any books, deeds, papers, writings, property, or effects belonging to the said turnpike or statute labour trusts respectively, or relating to the execution of such Acts, shall pay and deliver up the same to the county road trustees, or to such person as they shall appoint to receive the same, who shall hold them, and be liable to pay them over or make them forthcoming, subject to the provisions of this Act. A.D. 1878 —— and deliver up books.

109. All books containing the accounts and proceedings of the trustees or other persons who have acted under any of such Acts shall and may be given in evidence in all claims, prosecutions, appeals, actions, and proceedings whatsoever under this Act, in the same manner as they might have been used under the said Acts. Books of former trustees to be evidence.

110. A trustee or member of a board, or district committee, by being party to or executing in his capacity as aforesaid any contract or other instrument, or otherwise executing any of the powers under this Act, shall not be subject individually to any action, prosecution, or other legal proceeding; and the trustees may apply any moneys from time to time coming into their hands for the purpose of paying any expenses of legal proceedings, or any damages they may incur in the bonâ fide execution of the powers granted by this Act to them. Trustees not to incur personal liability.

111. If and while any trustee— Trustees not to hold any office of profit or participate in profits of any contract.

(1.) Holds any office or place of profit under this Act; or

(2.) Participates in the profits of any work done; or

(3.) Is concerned in or participates in the profit of any contract entered into under this Act;

Such person shall be disqualified from acting as a trustee, subject to the exceptions following; that is to say,

(*a.*) A trustee shall not be disqualified by reason of his being a shareholder in any joint stock or incorporated company entering into any contract with or supplying any article by order of the trustees or any board or any district committee; and

(*b.*) A trustee shall not be disqualified by reason of his being interested in any sale, feu, or lease of any lands, or any sale of materials for making or repairing roads, or any loan of money to the trustees.

Nevertheless a trustee or member of a board or district committee shall not be entitled to vote in respect of any contract

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with or any supply of articles by order of the trustees, board, or district committee, where such contract is entered into with or such articles are supplied by any company in which he is a shareholder, or in respect of any question connected therewith, or in respect of any such sale, feu, lease, or loan as hereinbefore mentioned; and if he does so vote his vote shall not be counted, and he shall incur for each time when he so voted a penalty not exceeding twenty pounds.

No person holding office to participate in profits of any contract.

112. No person holding any office under this Act shall directly or indirectly participate in the profits of any work done by order of, or be concerned in or participate in the profit of any contract entered into with, or any supply of articles made to the trustees, board, or any district committee, under the penalty of one hundred pounds; and it shall be in the option of the trustees, board, or district committee, and competent to them, to render any contract null and void, in the profit of which any such person has participated or may participate.

Trustee may act as sheriff or justice.

113. No trustee shall be disqualified from acting as a sheriff or justice of the peace in the execution of this Act, by reason of his being such trustee.

Moneys to be lodged in bank.

114. All moneys received by or on behalf of the trustees or the board under the authority of this Act shall, on the receipt thereof, be paid by the person receiving the same into an account to be kept in name of the trustees or of the board with some incorporated or joint stock bank or branch thereof, to be for that purpose appointed by the board.

Cheques on bank account of trustees or board.

115. All cheques on the bank accounts kept by the trustees or board shall be signed by one of three members of the board appointed by it for the purpose, and by the treasurer; and no cheques shall be drawn on such accounts for any other purpose than the payments which shall from time to time be authorised by the trustees or the board.

Cheques on bank account of district committee.

116. All sums passed by the trustees or the board to the account of any district committee, or collected on behalf of a district committee, shall be respectively paid into an account to be kept in name of the district committee with an incorporated or joint stock bank or branch thereof to be appointed by the board, and all cheques on such account shall be signed by one of three members of the district committee appointed by it for the purpose, and the treasurer of the district committee.

Execution of bonds and other securities.

117. All bonds, mortgages, debentures, or other securities for money borrowed by the trustees, and all dispositions and conveyances of property belonging to the trustees, shall be signed by two of the trustees being members of the board and by the clerk except where otherwise expressly provided; and the clerk shall keep a register of all bonds, mortgages, debent-

ures, or other securities granted by the trustees under this Act, and of the transfers thereof. A.D. 1878

Mortgages to be personal estate.

118. All certificates, bonds, mortgages, debentures, or other securities granted under the authority of this Act, and all money advanced and lent on the security of any assessment leviable under this Act, shall be moveable or personal estate, and transmissible as such.

Application of moneys not otherwise appropriated.

119. All moneys received by the trustees on account of assessments or penalties, or otherwise, for the application of which no special provision is made in this Act, shall be applied as follows:

(1.) In payment of the salaries and allowances of officers and servants, and the general expenses of management of the trust:

(2.) In payment of the expense of maintaining and repairing the several highways:

(3.) In payment of interest on the debts affecting the highways, valued and allocated as herein-before provided, and thereafter towards payment of the principal of such debts.

Audit of accounts.

120. The accounts of the trustees shall be balanced annually on the fifteenth day of May, and shall be audited by an auditor appointed by the sheriff by any writing under his hand. The accounts as audited shall be laid before the next annual general meeting of the trustees.

Annual reports.

121. The trustees of counties and local authorities of burghs shall once a year, at such time and in such form as the Secretary of State may direct, make a report as to their income and expenditure and such other matters as the Secretary of State may direct, and such report shall be laid before both Houses of Parliament.

Repeal of Acts.
8 & 9 Vict. c. 41.
1 & 2 W. 4. c. 43.

122. From and after the commencement of this Act in any county, the Act passed in the eighth and ninth years of the reign of Her present Majesty, chapter forty-one, and the Act passed in the first and second years of the reign of His Majesty King William the Fourth, chapter forty-three, except the sections thereof incorporated herewith as after mentioned, shall cease to have effect therein; provided that nothing herein contained shall affect anything duly done or suffered, or any right or liability acquired, accrued, or incurred, or any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment contained in either of the last-mentioned Acts, or in any other Act which, from and after the commencement of this Act in any county, shall cease to have effect therein: Provided also, that until the fifteenth day of May or twenty-sixth day of May, as the case may be, follow-

A.D. 1878 ing the commencement of this Act in any county where such commencement shall happen before the year one thousand eight hundred and eighty-three, and otherwise until the first day of June one thousand eight hundred and eighty-three, all provisions for levying, collecting, and recovering toll duties, statute labour conversion money, bridge money, and other moneys of whatever kind, for managing, maintaining, and repairing roads, bridges, and highways situated or partly situated in such county or in any burgh therein, and also all provisions against persons evading or attempting to evade payment of such toll duties and other moneys, shall continue in full force and effect, and may be put in operation by the trustees or burgh local authority under this Act, as the case may be, in the same manner as they might have been put in operation by the trustees under the other Acts mentioned in this section.

Incorporation of parts of General Turnpike Act. 1 & 2 W. 4. c. 43.

123. The following sections of the Act passed in the first and second years of the reign of His Majesty King William the Fourth, chapter forty-three, viz., sections eighty, eighty-one, eighty-three, eighty-four, eighty-five, sections eighty-seven to ninety-two, both inclusive, section ninety-four, and sections ninety-six to one hundred and eight, both inclusive (the enactments whereof are contained in Schedule C. to this Act annexed), in so far as the same are not inconsistent herewith, shall be and are hereby incorporated with this Act, and, from and after the commencement of this Act in any county, shall extend and apply to all the highways made or to be made within such county, and, except in so far as inconsistent with the provisions of any general or local police Act in force therein, within the burgh or burghs situated or partly situated within the same; and in the construction of the aforesaid sections of the said Act, with reference to this Act, the expression "trustees under any Turnpike Act," or words having the like import, and the expression "turnpike roads" shall mean and apply to the trustees of counties and local authorities of burghs under this Act, and the roads, highways, and bridges placed under their management by this Act, as the case may require, in so far as such application shall not be excluded by the context or any of the provisions of this Act; and where notice is required to be given "on the two nearest toll bars," it shall be sufficient if it is given once in two newspapers circulating in the county or burgh, as the case may be: Provided, that it shall not be lawful for the trustees, or local authority, as the case may be, or any one authorised by them, under the powers conferred by the eightieth section of the recited Act, to carry away any materials to be used by them for any purpose whatsoever from any place beyond the county or burgh, as the case

may be, or to a greater distance than three miles from the place where such materials have been obtained, unless satisfaction shall be made for the same in the manner provided in said section in the case of stones to be used for building.

Recovery and application of penalties.

124. All penalties under this Act or the enactments incorporated herewith or continued in force hereby may be recovered, together with the expenses of process, at the instance of the procurator fiscal, or of the clerk of the trustees, or of the clerk of the burgh local authority, as the case may be, upon the testimony of one or more credible witnesses, before the sheriff or any justice of the peace of the county or magistrate of the burgh, as the case may be, in which the same shall have been incurred, under the provisions of the Summary Procedure Act, 1864; and all the jurisdictions, powers, and authorities necessary for this purpose are hereby conferred on sheriffs and justices of the peace, and magistrates of burghs, and their decision shall be final, save only that the provisions of the Summary Prosecution Appeals (Scotland) Act, 1875, shall apply to the same.

27 & 28 Vict. c. 53.

38 & 39 Vict. c. 62.

Every prosecution shall be begun within six calendar months after the penalty shall have been incurred and not afterwards: Provided, that this shall not apply to any proceedings for the recovery of assessments levied under this Act.

It shall be lawful for any person acting in the execution of this Act, and such other person as any such person shall call to his assistance, or for any person seeing any offence committed against this Act, without any warrant or authority other than this Act, brevi manu, to seize and detain any person whose name and place of abode are unknown, and who shall commit any such offence, and take such person without delay before the sheriff or any neighbouring justice of the peace for the county or magistrate of the burgh, as the case may be, where the offence shall have been committed or where such offender shall be seized and apprehended, who shall forthwith examine and discharge or commit such person till caution de judicio sisti be found, as the case may seem to require.

Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the trustees or of the burgh local authority, as the sheriff or justice of the peace or magistrate shall direct.

Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff or justice of the peace or magistrate.

Every person found liable in any penalty recoverable summarily under this Act shall, failing payment thereof, and ex-

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27 & 28 Vict. c. 53.

SCHEDULES.

Section 68.

SCHEDULE (A.) No. 1.

I [*A.B., chairman of the county road trustees of the county of , or provost or chief magistrate of the burgh of* , as the case may be], in terms of the Roads and Bridges (Scotland) Act, 1878, certify that [*name and designation of creditor*] is a creditor in turnpike road debt [*or*, statute labour debt, *or, as the case may be*] in respect of moneys lent to or for behoof of [*specify the particular trust in the case of turnpike debt, and the district or parish in the case of statute labour debt*], valued at the sum of , as at the day of , 18 , and which [*or* whereof the sum of , *as the case may be*] has been allocated on the county of [*or* burgh of , *as the case may be*], all in terms of the provisions of the said Act.

Witness my hand, this day of 18 .

(Signed) *A.B.*

Section 68.

SCHEDULE (A.) No. 2.

I [*name and designation of cedent*] transfer to [*name and designation of assignee*], his heirs, executors, and assignees my whole right and interest under this certificate.

[*To be signed and dated by the cedent.*]

Section 73.

SCHEDULE (A.) No. 3.

I [*name and designation of creditor*] hereby discharge the debt specified in this certificate with all interest thereon.

[*To be signed and dated by the creditor.*]

Section 75.

SCHEDULE (B.) No. 1.

By virtue of the Roads and Bridges (Scotland) Act, 1878,

we, two of the county road trustees of the county of , A.D. 1878
and the clerk of the said trustees, acting under the said Act, as representing the said trustees [*or* the provost, *or* chief magistrate, *as the case may be*, and clerk of the local authority of the burgh of , acting under the said Act, as representing the local authority of the said burgh,] grant us to have borrowed and received from [*name and designation of lender*] the sum of pounds for the payment of valued road debt allocated on the county of [*or* burgh of *as the case may be*] under the provisions of the said Act. In consideration whereof we assign to the said [*name of lender*], his heirs, executors, and assignees, all the assessments to be raised and paid within the said county [*or* within the said burgh, *as the case may be*] for the payment and extinction of debt under the provisions of the said Act, in security of the repayment of the said sum of pounds, and of the interest thereof after the rate of pounds per centum per annum from the day of until payment, which sum is to be repayable, with the interest at the rate aforesaid, as follows; [*state the terms of repayment according to the arrangement*]. In witness whereof [*insert testing clause in common form*].

SCHEDULE (B.) No. 2.

Section 75.

I [*name and designation*], in consideration of the sum of pounds, transfer to [*name and designation*], and his heirs, executors, and assignees, an assignation in security, numbered [*insert the number of the assignation*], and dated [*insert date*], granted by the trustees of the county of acting under the Roads and Bridges (Scotland) Act, 1878, [*or* by the local authority of the burgh of , *as the case may be*], for [*insert the stipulated annual payment and duration thereof*], from the day of . In witness whereof [*insert testing clause in common form*].

SCHEDULE (C.)

Section 123.

Sections of 1 & 2 Will. 4. c. 43. referred to in the foregoing Act.

Power to get materials.

80. And be it enacted, that it shall be lawful for the trustees of any turnpike road, or any person authorised by them, to search for, dig, and carry away materials for making or repairing such road and the footpaths thereof, or building, making, or repairing any toll-house, bridge, or any other work con-

A.D. 1878 nected with such road, from any common land, open uncultivated land, or waste, or to deposit mud or rubbish thereon, without paying any surface damages, or any thing for such materials, except for stone to be used for building, and to carry the same through the ground of any person, such trustees or other persons authorised by them filling up the pits or quarries, levelling the ground wherefrom such materials shall be taken, or fencing off such pits or quarries so that the same shall not be dangerous to any person or cattle, and paying for or tendering the damage done by going through and over any inclosed or arable lands for or with such materials, mud, or rubbish, such damages to be ascertained as herein-after mentioned; and also that it shall be lawful for such trustees and other persons authorised by them as aforesaid to search for, dig, and carry away any such materials in or out of the inclosed land of any person where the same may be found, and to land or carry the same through or over the ground of any person such materials not being required for the private use of the owner or occupier of such land, and such land or ground not being an orchard, garden, lawn, policy, nursery for trees, planted walk, or avenue to any house, nor inclosed ground planted as an ornament or shelter to a house, unless where materials have been previously in use to be taken by the said trustees, making or tendering such satisfaction for stones to be used for building, and for the surface damage done to the lands from whence such materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such trustees shall judge reasonable; and in case such trustees and the proprietor or occupier of such lands shall differ as to the amount of such payments and damages as aforesaid, it shall be competent to the sheriff or justices of the peace for the shire wherein the place from whence such materials shall have been taken, or on which the same shall have been landed or carried, shall be situate, on the application of either party, with an inducia of six days, to hear and determine all questions as to the amount of such payments and damages, and the expenses attending the same: Provided always, that before taking such materials from any inclosed land from which the same shall not previously have been in use to be taken, fourteen days previous notice in writing, signed by two trustees, shall be given to or left at the usual residence of the proprietor and occupier of the land or quarry from which it is intended to take the same, or his or her known agent, to appear before the sheriff or any two justices of the peace acting for the shire where the said lands are situate, to show cause why such materials shall not be so taken; and in case such proprietor, occupier, or agent shall attend pursuant to such

Satisfaction.

Notice to be given before materials are taken from inclosed lands.

notice, or shall neglect or refuse to appear (proof on oath in such case being duly made of the service of such notice), such sheriff or justices shall authorise or prohibit the trustees to take such materials, or make such order as they shall think fit. A.D. 1878

Penalty on taking away materials provided for repairing turnpike roads.

81. And be it enacted, that it shall not be lawful for any person to take away any materials which shall have been procured or provided or used for the repair or use of any turnpike road, or to take any materials out of any quarry which shall have been opened by any turnpike trustees for the purpose of getting materials for any turnpike road, so as to interrupt or interfere with the workings carried on by such trustees; and every person so offending shall for every such offence forfeit and pay any sum not exceeding five pounds.

Power to use adjoining ground as a temporary road.

83. And be it enacted, that it shall be lawful for the trustees of any turnpike road to make a road through the grounds adjoining to any ruinous or narrow part of any turnpike road (not being an orchard, garden, lawn, policy, planted walk, or avenue to any house, or nursery for trees) to be made use of as a public highway whilst the old road is repairing or widening, making recompense to the proprietor and occupier of such grounds for the damages they may thereby sustain; and in case such trustees and such proprietor or occupier shall differ as to the amount of such damages, it shall be competent to the sheriff or justices of the peace for the shire where such damages or any part thereof shall have been incurred, on the application of either party, with an inducie of six days, to hear and determine all questions as to the amount of such damages, and the expenses attending the same.

Trustees to make side drains.

84. And be it enacted, that it shall be lawful for the trustees of every turnpike road to make sufficient side drains on any such road, with power to conduct the water therefrom into any adjoining land, ditch, or watercourse (such land not being the site of any house or garden) in such manner as shall be least injurious to the proprietor or occupier of such land; the said side drains to be maintained at the expense of the trustees.

Trustees to make ditches.

85. And be it enacted, that it shall be lawful for the trustees of every turnpike road to make sufficient ditches along the side of any such road, provided that if the land is inclosed on the side of such turnpike road, such ditch shall be made on the field side of the fence, and also to make proper ditches and outlets from the said side ditches through any lands adjoining any such turnpike road (not being the site of any house or garden) in such manner as shall be least injurious to the proprietor and occupier of such land; and the occupier of such land (unless such land be uninclosed and waste) shall be

A.D. 1878 obliged in all time thereafter to keep clear such side ditches and other ditches or outlets, as well as all such ditches already made along the sides of any turnpike road, when so required by the said trustees or their surveyor; and in case the proprietor or occupier shall neglect or refuse to cleanse such side ditches or other ditches or outlets, when duly required by such trustees or surveyors, such trustees or surveyors are hereby empowered to cleanse such side ditches or other ditches or outlets, and levy the expense thereof from the occupier of such grounds, in the same manner as other penalties by this Act imposed: Provided always, that nothing herein contained shall prohibit any proprietor or occupier from substituting, to the satisfaction of the trustees, any other equally effectual ditch or outlet in place of that constructed by the trustees.

Timber, stones, &c. left on roads may be seized.

87. And be it enacted, that it shall be lawful for any trustee or surveyor of any turnpike road, or other person authorised by the trustees of any such road, brevi manu, to seize and carry off any timber, stone, dung, rubbish, or other matter or thing whatsoever laid or left upon any such road or footpath or on any side drain or ditch of such road, and to sell or otherwise dispose of the same as a forfeiture, in such manner as the trustees shall direct, unless such matter or thing shall be previously redeemed by the owner thereof by payment of the penalty in such case enacted: Provided always, that the proprietor or occupier of any lands or houses may lay down any materials for building or repairing any house or wall immediately adjoining any turnpike road, such materials occupying one fourth part of such road only, and such proprietor or occupier giving three days previous notice in writing to the clerk or surveyor of the road, and erecting such fence round such materials, and fixing and lighting lamps thereon, in such manner as the trustees may require.

Owners of adjoining lands to cut the hedges and branches of trees prejudicing the road.

88. And be it enacted, that the owners or occupiers of the lands next adjoining to every turnpike road shall prune and trim their hedges, and cut them down to the height of six feet from the surface of the ground, and also cut, prune, or lop the branches of trees, bushes, and shrubs growing in or near such hedges or other fences adjacent thereto, (such fences, trees, bushes, or shrubs not being in any garden, orchard, policy, walk, or avenue to a house, nor any tree, bush, or shrub being an ornament or shelter to a house, unless the same shall hang over the road or footpath or any part thereof in such a manner as to impede or annoy any carriage or person travelling thereon,) in such manner that the turnpike road shall not be prejudiced by the shade thereof, and that the sun and wind may not be excluded from such turnpike road to the damage there-

of; and that if such owner or occupier shall not, within ten days after notice given by the surveyor for that purpose, cut, prune, and trim such hedges, or cut, prune, or trim such branches of trees, bushes, and shrubs, in manner aforesaid, it shall and may be lawful for such surveyor and he is hereby required to make complaint to the sheriff or justices of the peace, who shall grant warrant to summon the occupier of such lands and the owner thereof, or his agent or factor in his absence, ten days after service, to appear and answer the said complaint; and if it shall appear to such sheriff or justices that such occupier or owner has not complied with the requisites of this Act in that behalf, it shall and may be lawful for such sheriff or justices, upon hearing the surveyor and occupier or owner of such land, or an agent authorised to appear for either of them, or in default of their appearance, upon having due proof of the service of such summons, and considering the circumstances of the case, to order such hedges to be cut, trimmed, and pruned, and such branches of trees, bushes, and shrubs to be cut, pruned, or trimmed, in such manner as may best answer the purposes aforesaid; and if the occupier of such lands shall not obey such order within ten days after it shall have been made, and he shall have had due notice thereof, he shall forfeit the sum of two shillings for every twenty-four feet in length of such hedge which shall be so neglected to be cut, trimmed, and pruned, and the sum of twopence for every tree, bush, or shrub which shall be so directed to be cut, pruned, or trimmed; and the surveyor, in case of such default made by the occupier, shall and he is hereby required to cut, prune, and trim such hedges, and to cut, prune, or trim such branches of trees, bushes, and shrubs in the manner directed by such order; and such occupier shall be charged with and pay, over and above such penalties, the expenses of such cutting, pruning, and trimming.

If neglected for ten days, surveyor may complain to the justices, who may order them to be cut.

Penalty for neglect after order of justices.

89. And be it enacted, that no person or persons shall be compelled, nor any surveyor permitted, by virtue of this Act, to cut or prune any hedge at any other time than between the last day of September and the last day of March, nor to cut, prune, or lop the branches of any ornamental trees (unless the same shall hang over the road or footpath or any part thereof so as to impede or annoy any carriage or person travelling thereon), if the proprietor or tenant of the lands shall become bound to pay the additional expenses which their remaining uncut or unlopped may occasion the said trustees in keeping any such roads in repair.

Time of cutting or pruning hedges.

90. And be it enacted, that if any person shall fill up or obstruct any ditch at the side of any turnpike road, or any

Penalties on persons

A.D. 1878 ditch used for conveying water from the said road, or any side drain thereof, or ditch or drain under the same, or shall encroach by making any dwelling-house or other building, or any hedge, ditch, or other fence, or in any other manner whatever, on any turnpike road, or shall make any drain, gutter, sink, or watercourse across, under, or upon, or shall turn or conduct any drain or water across, under, or upon, or in any way break up the surface of any turnpike road, without the consent in writing of the trustees of such road or of their surveyor, such person shall forfeit for every such offence a penalty not exceeding five pounds; and it shall be lawful for the trustees of any such road to cause such dwelling-house or other building, hedge, ditch, or fence, drain, sink, watercourse, gutter, or other encroachment, to be taken down or filled up at the expense of the person so offending.

making encroachments.

No houses, &c. to be erected on the sides of any turnpike road within the distance of twenty-five feet from the centre thereof, without consent of the trustees.

91. And be it enacted, that no houses, walls, or other buildings above seven feet high shall be erected without the consent of the trustees previously obtained in writing, and no new inclosures or plantations shall be made within the distance of twenty-five feet from the centre of any turnpike road, without prejudice always to any farther powers and authorities vested in any turnpike trustees thereanent by any local Act of Parliament, and no place out of which the trustees of any turnpike road have been in the use of taking materials shall, without the consent of the trustees previously obtained in writing, be in any way shut up or inclosed, under the penalty of five pounds for every such offence, and the expense of demolishing such house, wall, or building, or of removing such inclosure or plantation; and the sheriff of the county and justices of the peace are hereby authorised and empowered, on application by any one of the turnpike trustees or their clerk, to order such house, wall, building, inclosure, or plantation to be pulled down or removed at the expense of the person erecting or making the same, or of the occupier or owner of the ground; nor shall the inclosing of such place out of which materials shall have been taken as aforesaid preclude the trustees of any turnpike road from re-opening and using the same.

Power to water roads.

92. And be it enacted, that it shall be lawful for the trustees of any turnpike road to cause the whole or any part thereof to be watered, and for that purpose to take water from any pond, stream, or source, with the consent of the owner thereof, or other persons interested therein, and to dig and make ways and passages and erect pumps and engines for such purpose, and to make such compensation as may be agreed upon between the said trustees and such owners or persons as aforesaid.

Trustees shall erect parapets, &c. where necessary.

94. And be it enacted, that the trustees of every turnpike road shall erect sufficient parapet walls, mounds, or fences, or other adequate means of security, along the sides of all bridges, embankments, or other dangerous parts of the said roads; and if they shall fail therein it shall be lawful for the procurator fiscal or any commissioner of supply for the shire in which the part of such road complained of is situated, such commissioner finding security to pay expenses of process if he shall fail in his action, to prosecute the trustees of any such turnpike road before the sheriff of the shire in which such road is situated, who shall judge and determine therein in a summary manner, and upon finding the complaint well founded, may compel the said trustees to remedy the matter complained of, and allow the prosecutor the expenses of process; but if such prosecution shall be found groundless, the private prosecutor shall be liable in expenses.

Penalty on persons committing nuisances.

96. And be it enacted, that if any person shall ride upon any footpath or causeway on or by the side of any turnpike road made or set apart for the use or accommodation of foot passengers, or shall lead or drive any horse, ass, mule, swine, or cattle, or carriage of any description, or any wheelbarrow, truck, or sledge, or any single wheel of any waggon, cart, or carriage apart therefrom, upon any such footpath or causeway; or shall wilfully obstruct or do or cause any injury or damage to be done to the same, or to the hedges, posts, rails, or fences thereof; or shall wilfully pull down or damage any bridge, wall, toll bar, or any building, fence, or erection made by the trustees of any turnpike road or repaired or repairable by them; or shall break, injure, remove, or displace any tools, trestles, bars, stones, materials, or other article whatsoever belonging to such trustees, or used on any such road under their authority; or shall haul or draw or cause to be hauled or drawn, upon any part of any turnpike road, any timber, stone, or other thing otherwise than upon a wheeled carriage, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon a wheeled carriage to drag or trail upon such road; or in ploughing or harrowing any adjacent uninclosed land shall turn any horse, plough, or harrow in or upon any such road or the side drains or ditches thereof; or shall, in or upon such road, or by the side or sides thereof, or in any exposed situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any beast, swine, calf, lamb, or other cattle; or if any person driving any carriage, cart, horse, or other beast on the said road, conveying any iron bar or rod, tree, wood, stone, basket, or pannier, or any other matter or thing, except hay and straw,

A.D. 1878 suffer the same to project by more than thirty inches from the side of such horse or other beast, or more than one foot laterally beyond the wheels of such carriage, or so as in any manner to obstruct or impede the passage of any person, or any horse, beast, or carriage travelling along such turnpike road; or if any person shall carry any timber or other article above twenty-five feet long on any cart or carriage not having more than two wheels; or if any hawker, higgler, gipsy, or other person shall pitch any tent or encamp upon or by the sides of any part of any turnpike road; or if any person occupying or using a blacksmith's shop, foundry, smelting house, iron or brass work, boiler-making work, glass work, soda, soap, or chemical work, shall not, by good and close shutters, every evening after it becomes twilight, or otherwise, bar and prevent the light from such shop shining into or upon the said road, and from being dangerous or detrimental to travellers; or if any person shall make or assist in making any fire or fires commonly called bonfires, or shall set fire to or let off or throw any squib, rocket, serpent, or other firework whatsoever within one hundred feet of the centre of such road, or shall discharge any gun, pistol, or other fire arms, fly kites, or bait or run for the purpose of baiting any bull, or play at football, tennis, fives, cricket, or any other game or games upon such road or on the side or sides thereof, or in any exposed situation near thereto, to the annoyance of any passenger or passengers; or if any person shall leave any waggon, cart, or other carriage whatever upon such road or on the side or sides thereof, without any proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall not place such waggon or other carriage, during the time of loading or unloading the same, or of taking refreshments as near to one side of the road as conveniently may be, either with or without any horse or beast of draught harnessed or yoked thereto; or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish, or other matter or thing whatsoever upon such road or on the side or sides thereof, or the footpaths or causeways adjoining; or shall hang or lay any linen clothes or other such article on any hedge or fence of any such road; or shall suffer any water, filth, dirt, or other offensive matter or thing whatsoever to run or flow into or upon such road or footpaths from any house, building, erection, lands, or premises adjacent thereto, or if any person driving any pigs or swine upon such road shall suffer such pigs or swine to root up or damage such road, or the fences, hedges,

banks, or copse on either side thereof respectively; or if any person shall after having blocked or stopped any cart, waggon, or other carriage in going up a hill or rising ground, cause or suffer to be or remain on such road the stone or other thing with which such cart or other carriage shall have been blocked or stopped; or if any person shall pull down, damage, injure or destroy any lamp or lamp post put up, erected, or placed in or near the side of any turnpike road, or toll house erected thereon, or shall extinguish the light of any such lamp; every person offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding fifty shillings over and above the damages occasioned thereby.

Regulation of drivers.

97. And be it enacted, that if the driver of any cart, waggon, or other such carriage on any turnpike road shall ride on the shafts or in or on any other part of such carriage, without having and holding reins attached to each side of the bridle of each beast of draught drawing such cart or carriage, or shall at any time leave the same travelling on any such road without having some person to guide the beast or beasts of draught drawing the same, or shall allow to go at large any dog that may be attending him, or his waggon, cart, or other such carriage, or shall not chain or fasten the same to such waggon, cart, or carriage; or if the driver of any sort of carriage shall not keep to the left or near side of such road on meeting or on being overtaken by any other carriage or any rider, or shall wilfully prevent any other person passing him or his carriage; such driver shall for every such offence forfeit and pay a sum not exceeding five pounds over and above the damages occasioned thereby.

One driver may take charge of two carts.

98. And be it enacted, that if one person act as the driver of more than two carts, waggons, or other such carriages on any turnpike road, or if the hinder of two carts, waggons, or other such carriages, when under the care of only one person, shall be drawn by more than one horse, or if the horse of such hinder cart, waggon, or carriage shall not be attached by a rein to the back of the cart which shall be foremost, and follow in the same line therewith, the horse drawing such hinder cart not being permitted to be further from the foremost than six feet, the owner or driver of every such waggon, cart, or other carriage shall for each transgression in any of the points aforesaid forfeit and pay a sum not exceeding forty shillings.

Children not to drive carts, &c.

99. And be it enacted, that no waggon or cart travelling on any turnpike road shall be driven by any person who shall not be of the full age of fourteen years, under a penalty for

A.D. 1878 each such offence not exceeding forty shillings, to be paid by the owner of such waggon or cart.

Persons opening up or conveying water across the roads or causeways must repair them.

100. And be it enacted, that if the causeways and footpaths of any turnpike road or any part thereof shall be opened up by any person or persons, with leave of the said trustees, or otherwise having authority so to do, for the laying of pipes for water, gas, tunnels, or railroads, or for any other purposes whatever, and the same shall not be immediately thereafter repaired, renewed, and rendered completely sufficient and good by the person or persons opening up the same, to the satisfaction of the said trustees or their surveyor, then the said trustees or their surveyor shall have full power, and they are hereby authorised to execute the necessary repairs on the part or parts of such road or footpath so opened up, and to restore the same completely, and to charge the expense thereof against the person or persons opening up the same, which shall be ascertained by an account under the hands of the said trustees or a quorum of them, or of their clerk or surveyor; and if any damage shall happen to the public from the operations of the persons opening up the road as aforesaid, such persons shall be solely liable for the same, and be obliged to relieve the said trustees thereof and of all expenses attending the same; and in all cases where any injury shall arise to any turnpike road from any drain, conduit, pipe, water, matter, or thing whatsoever being conveyed across, in, under, or upon, or by any thing done upon any part of any such road, by any person having leave or otherwise entitled so to do, and such injury shall not be immediately repaired to the satisfaction of the trustees, they or their surveyor are hereby authorised to repair the same, and charge the expense thereof as aforesaid against the person occasioning the said injury, or for whose uses or purposes the thing occasioning the same shall be done or kept.

Surveyors, &c., not to leave nuisances on roads.

101. And be it enacted, that if the surveyor of any turnpike road, or any contractor or other person employed on such road, shall lay on any part of any such road any heap of stones or other materials for the repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such materials; or shall lay on any such road any matter or thing, or shall knowingly permit to remain on any part of any such road any matter or thing, which may endanger the safety of any passenger; or shall dig any pit or make any cut on any turnpike road, without sufficiently fencing the same; such person shall for every such offence forfeit and pay a sum not exceeding five pounds over and above the damages occasioned thereby and expenses; and it shall be lawful for any person travelling along any turnpike road to prosecute for such sum,

damages, and expenses in manner herein-after provided: Provided always, that it shall be lawful for any such surveyor, contractor, or other person to have on any such road, during daylight, any trestles or bars in any such manner as the trustees of such road may judge necessary to prevent interruption of the work during the repairing of the road, or to prevent carts or carriages from running in tracks injurious to the road: Provided always, that such trestles or bars shall at all times be placed in such manner as not to be more inconvenient to passengers than may be necessary to prevent interruption to the work, or to prevent carts or carriages from running in tracks injurious to the road. A.D. 1878

Proprietors to fence pits made near the roads.

102. And be it enacted, that if the proprietor or occupier of any lands adjacent to any turnpike road shall dig any pit or make any cut upon or within twelve feet of the side of any such road, and shall leave the same unfenced so as to be dangerous to travellers, and shall not fence the same when required so to do by any two of the trustees of such road, or the procurator fiscal of the shire within which the said pit or cut is situated, such proprietor or occupier shall forfeit and pay a sum not exceeding five pounds for every day such pit or cut shall continue to be unfenced beyond three days after notice shall have been given as aforesaid, and it shall be lawful, after such notice, for the said trustees or procurator fiscal to cause the same to be fenced at the expense of such proprietor or occupier.

No animal to be pastured on the roads.

103. And be it enacted, that if any horse, cattle, ass, sheep, swine, or other beast of any kind shall be pastured, or left or permitted to remain, or found straying on any turnpike road or the sides thereof (except on such parts of any road as pass through or over any common or waste ground, or land not inclosed, or arable on both sides), the person so pasturing or leaving such beast, or permitting the same to remain, or the person having the charge of such beast, or the owner thereof if such person cannot be found, shall forfeit and pay a sum not exceeding five shillings for every such beast; and it shall be lawful for any trustee of such road, or the surveyor of such trustees, or any other person authorised by them, brevi manu, to seize and detain the same until such penalty and the expenses of process and proceedings shall be paid; and in case the said penalty and expenses shall not be paid within three days after notice of such detention shall be given on the two nearest toll bars on the said road where such animal shall be found, the said surveyor or other person shall sell the same, with the authority of the sheriff or any justice of the peace for the shire, who are hereby empowered to grant such authority; and after deducting the amount of the said penalty and ex-

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penses such surveyor or other person shall pay the surplus, if any, to the owner of such animal so detained.

Side ridges to be made in uninclosed lands.

104. And be it enacted, that every person in ploughing any uninclosed land adjoining any turnpike road shall make side ridges along the sides of such road of the breadth of twelve feet at the least, under a penalty not exceeding five pounds.

Gates to open inwards.

105. And be it enacted, that no gate of any park, field, or inclosure whatsoever shall be made to open into or towards any part of any turnpike road, or of any footpath belonging thereto, or be suffered so to open except the hanging post thereof shall be fixed or placed so far from the centre of any part of such road as that no part of such gate shall when open project over any part of such road or of any footpath belonging thereto; and the occupier of any park, field, or inclosure, having any gate opening outwards contrary to the meaning of this Act, shall, within six days after notice to him or her given, either personally or in writing, from the trustees of any turnpike road, or their surveyor, cause such gate to be hung so that no part of the gate when open shall project over any part of such road or of any footpath belonging thereto; and if such occupier fail so to do, the surveyor of any such road shall cause the gate to be hung as herein-before directed, and charge the expense of making such alteration and hanging such gate against the said occupier, who shall, over and above such expense, forfeit and pay a further sum not exceeding five pounds for such neglect.

Weeds to be cut by trustees.

106. And be it enacted, that the trustees of every turnpike road shall cut or cause to be cut all weeds growing on the same or the sides thereof, when inclosed, at a proper season of the year, in order to prevent such weeds coming into seed; and if they fail so to do for eight days after being required by the proprietor or occupier of the adjoining land, by notice in writing given to their clerk or surveyor, such proprietor or occupier may cut the same, and charge the expense thereof against the said trustees.

No windmill, &c., to be erected within 100 yards of the turnpike road.

107. And be it enacted, that no person shall hereafter erect any windmill, watermill, steam engine, or limekiln within the distance of one hundred yards from any part of any turnpike road under the penalty of five pounds for every day such windmill, watermill, steam engine, or limekiln shall continue, unless the same shall be so placed or screened as to prevent damage or detriment to any traveller on such turnpike road by frightening horses or otherwise; nor shall any person hereafter place any skinner's washing pond within the distance of one hundred yards from any part of any turnpike road under a penalty not exceeding five pounds for every day any such

nuisance shall continue: Provided always, that nothing herein contained shall be construed to render legal the erection, re-erection, or continuance of any windmill, watermill, steam engine, limekiln, or skinner's washing pond in any case where, by the common law, the same shall be a public or private nuisance. A.D. 1878

Owners of waggons, carriages, &c., shall cause their names to be painted thereon.

108. And be it enacted, that the owner of every waggon or cart, and also of every coach, postchaise, or other carriage, let either in the whole or in part to hire, shall paint in a straight line horizontally upon some conspicuous part on the off or right side of his waggon or cart, and upon the panels of the doors of all such coaches, postchaises, or other carriages before the same shall be used upon any turnpike road, the Christian and surname and place of abode of such person, or the Christian and surname and place of abode of the principal partner or owner thereof, in large legible Roman letters, either of a dark colour upon a light ground or of a light colour on a dark ground, not less than one inch in height, with numbers beginning with number one where more of such carriages respectively than one shall belong to the same owner, and proceeding in regular progression, and shall continue the same thereupon as aforesaid so long as such waggon, cart, or other carriage shall be used upon any turnpike road; and every owner of any such waggon, cart, or other carriage using or allowing the same to be used upon any turnpike road without the names and descriptions painted thereon respectively as aforesaid, and every person driving the same, shall forfeit for every such offence a sum not exceeding forty shillings; and every waggon or cart, and every such coach, postchaise, or other carriage let for hire without the name, surname, and place of abode of the owner painted thereon as herein-before directed, or having the same or any part thereof covered or placed so as to be illegible, shall be liable to pay double toll duty; and every person driving any such waggon, cart, or other carriage who shall refuse to stop and permit the name to be read or uncovered by any person requiring him so to do, shall over and above forfeit for every such offence any sum not exceeding forty shillings.

CHAPTER 52.

An Act to consolidate and amend the Acts relating to Public Health in Ireland.—[*8th August* 1878.]

No. 37. (Pub. Gen. Statutes, 1878—Scotland.)

A.D. 1878

CHAPTER 53.

(Admiralty and War Office Regulation.)

An Act to facilitate improvements in the Organisation of the Admiralty and War Office by the retirement of Clerks from certain of the Civil Departments thereof.—[16*th August* 1878.]

CHAPTER 54.

An Act to amend the Debtors Act, 1869, *and the Debtors Act* (*Ireland*) 1872.—[16*th August* 1878.]

CHAPTER 55.

An Act to enable the Trustees of the British Museum to remove portions of their Collections.—[16*th August* 1878.]

CHAPTER 56.

An Act to amend the Law respecting the expense of regulating Commons.—[16*th August* 1878.]

CHAPTER 57.

An Act for the Revision of the Statute Law of Ireland.—[13*th August* 1878.]

CHAPTER 58.

A.D. 1878

An Act for further regulating the use of Locomotives on Highways in Scotland.—[16*th August* 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Locomotives Amendment (Scotland) Act, 1878.

Application and duration of Act.

2. This Act shall apply to Scotland only, and shall remain in force so long only as the Locomotive Act, 1865, continues in force.

Weight of locomotives and construction of wheels. 24 & 25 Vict. c. 70. 28 & 29 Vict. c. 83.

3. Section three of the Locomotive Act, 1861, and section five of the Locomotive Act, 1865, are hereby repealed, so far as relates to Scotland, and in lieu thereof be it enacted that it shall not be lawful to use on any highway a locomotive constructed otherwise than in accordance with the following provisions; (that is to say,)

(1.) A locomotive not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, with an additional inch for every ton or fraction of a ton above the first three tons; and

(2.) A locomotive drawing any waggon or carriage shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels shall exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased; but in such case the width of such tires shall not be less than fourteen inches; and

(3.) A locomotive shall not exceed nine feet in width or fourteen tons in weight, except as herein-after provided; and

(4.) The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal cross-bars of not less than three inches in width nor more than three quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such cross-bar shall not exceed three inches.

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(5.) The exact and true weight of a locomotive, including necessary water and coals, shall be legibly written in letters of not less than one inch in length, and affixed to some conspicuous part of the locomotive.

The owner of any locomotive used contrary to the foregoing provisions shall for every such offence be liable to a fine not exceeding five pounds: Provided that the road authority of any county or burgh may, on the application of the owner of any locomotive exceeding nine feet in width or fourteen tons in weight, authorise such locomotive to be used on any highway within the areas respectively above mentioned, or part of any such highway, under such conditions if any, as to them may appear desirable: Provided also, that sub-section (2.) of this section shall not apply to any engines in use at the time of the passing of this Act, the owner of which notifies in writing, within six calendar months of the passing of this Act, to the road authority of the county or burgh in which such engine is in use that it was in use at that time.

Amendment of section three of 28 & 29 Vict. c. 83.

4. The paragraph numbered "secondly" of section three of the Locomotive Act, 1865, is hereby repealed, so far as relates to Scotland, and in lieu thereof the following paragraph is hereby substituted; namely,

"Secondly, one of such persons, while the locomotive is in "motion, shall accompany the locomotive on foot, and "shall in case of need assist horses, and carriages drawn "by horses, passing the same."

Steam locomotives to consume their smoke. 24 & 25 Vict. c. 70.

5. Section eight of the Locomotive Act, 1861, is hereby repealed, so far as relates to Scotland, and in lieu thereof be it enacted, that every locomotive used on any highway shall be constructed on the principal of consuming its own smoke; and any person using any locomotive not so constructed, or not consuming, so far as practicable, its own smoke, shall be liable to a fine not exceeding five pounds for every day during which such locomotive is used on any such highway.

Road authority may make byelaws as to hours during which locomotives may pass over roads. 28 & 29 Vict. c. 83.

6. Section eight of the Locomotive Act, 1865, is hereby repealed, so far as relates to Scotland, and in lieu thereof be it enacted, that the road authority of any county or burgh may make byelaws as to the hours during which locomotives are not to pass over the highways situate within the areas respectively above mentioned, the hours being in all cases consecutive hours and no more than eight out of the twenty-four, and for regulating the use of locomotives upon any highway, or preventing or regulating such use upon every bridge where such authority is satisfied that such use would be attended with damage to the public from the narrowness, inclination, or imperfect construction of such highway or bridge respectively;

and any person in charge of a locomotive acting contrary to such byelaws shall be liable to a fine not exceeding five pounds. A.D. 1878

Confirmation of byelaws.

7. A byelaw made under this Act, and any alteration made therein and any repeal of a byelaw, shall not be of any validity until it has been submitted to and confirmed by the Secretary of State.

A byelaw made under this Act shall not nor shall any alteration therein or addition thereto or repeal thereof be confirmed until the expiration of one month after notice of the intention to apply for confirmation of the same has been given by the authority making the same in one or more local newspapers circulating in their county or district.

Recovery and application of penalties.

8. All penalties under this Act may be recovered, together with the expenses of process, at the instance of the procurator fiscal, or of the clerk of the road authority, as the case may be, upon the testimony of one or more credible witnesses, before the sheriff or any justice of the peace of the county or magistrate of the burgh, as the case may be, in which the same shall have been incurred, under the provisions of the Summary Procedure Act, 1864; and all the jurisdictions, powers, and authorities necessary for this purpose are hereby conferred on sheriffs and justices of the peace, and magistrates of burghs, and their decision shall be final, save only that the provisions of the Summary Prosecution Appeals (Scotland) Act, 1875, shall apply to the same. 27 & 28 Vict. c. 53. 38 & 39 Vict. c. 62.

Every prosecution shall be begun within six calendar months after the penalty shall have been incurred and not afterwards.

Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the road authority, as the sheriff or justice of the peace or magistrate shall direct.

Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff or justice of the peace or magistrate.

Every person found liable in any penalty recoverable under this Act shall, failing payment thereof, immediate or within a specified time, as the case may be, and expenses, be liable to be imprisoned for a term not exceeding sixty days; and the conviction and warrant may be in the form No. 3 of Schedule K. of the Summary Procedure Act, 1864. 27 & 28 Vict. c. 53.

Interpretation of terms.

9. In this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

"The Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State:

A.D. 1878 — "Sheriff" shall include sheriff-substitute:

"County" shall mean the county, exclusive of any burgh wholly or partly situated therein, and shall not include a county of a city:

"Burgh" shall have the same meaning as it has in the Act of Parliament, as the case may be, regulating the management of the highway to which it is sought to apply the provisions of this Act:

"Road authority of a county" means, as respects counties in which tolls have been abolished or are not eligible, the trustees acting under the Roads and Bridges (Scotland) Act, 1878, or under the Local Act for the county, as the case may be, and as regards other counties, the justices of the peace of the county in general or quarter sessions assembled:

41 & 42 Vict. c. 51.

"Road authority of a burgh" means the authority having the management of the highway within the burgh to which it is sought to apply the provisions of this Act:

"Highway" means and includes any road, street, or bridge maintained out of public funds derived from tolls or assessments or other sources of revenue.

CHAPTER 59.

An Act to amend the Law relating to the Drainage and Improvement of Land in Ireland. — [16*th August* 1878.]

CHAPTER 60.

An Act to make better provision for Idiots, Imbeciles, and other afflicted persons in Ireland. — [16*th August* 1878.]

CHAPTER 61.

An Act to remove doubts as to the validity of certain Marriages solemnized in the Islands of Fiji prior to their erection into a British Colony. — [16*th August* 1878.]

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CHAPTER 62.

An Act to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. — [16*th August* 1878.]

Sect. 11. This Act shall not extend to Scotland or Ireland.

CHAPTER 63.

An Act to amend the Prison Acts of 1877, *so far as regards the Apportionment of certain Superannuation Allowances between the Treasury and the Local Authorities.*—[16*th August* 1878.]

WHEREAS by the sections of the Prison Acts of 1877 mentioned in the First Schedule to this Act, it is provided that an annuity by way of superannuation allowance granted to an existing officer of a prison as mentioned in those sections shall be apportioned as therein mentioned, and one portion thereof shall be paid by the local authority out of the rates therein mentioned, and the residue out of moneys provided by Parliament: 40 & 41 Vict. c. 21. 40 & 41 Vict. c. 49. 40 & 41 Vict. c. 53.

And whereas in many cases the amount payable under the said apportionment, either by the local authority out of the rates or by the Treasury out of moneys provided by Parliament, will be very small, and it is expedient to provide for the commutation of such amount; that is to say, for the payment by the Treasury to the local authority, or by the local authority to the Treasury, of the capital value of their share of the annuity, so that the grantee of such annuity may receive the whole of it from one source only:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Prison (Officers Superannuation) Act, 1878. Short title.

2. Where an annuity granted by way of superannuation allowance to an existing officer of a prison under the sections Commutation by

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prison authority or Treasury of apportioned part of superannuation allowance to existing officer of prison.

of the Prison Acts mentioned in the First Schedule to this Act is apportioned to be paid partly by the Treasury out of moneys provided by Parliament and partly by the local authority out of rates, the Treasury and the local authority may agree for the commutation of the share of the annuity apportioned to either of them; that is to say, for the payment by that one to the other of them of the capital value of such share ascertained according to the tables contained in the Second Schedule to this Act.

Where the share of the annuity apportioned to be paid by the Treasury is less than twenty pounds a year, the Treasury may require the local authority to accept commutation of that share.

In the case of an annuity as to which the Treasury make no such requirement, the local authority may require the Treasury to accept commutation of the share apportioned to be paid by the local authority.

The Treasury or the local authority, on receiving payment under any agreement, or payment or tender under any requirement, of the sum for commutation of the share of an annuity, shall in every year raise and pay that share to the annuitant out of the same moneys or rates and in the like manner as the rest of the annuity, and the payers or tenderers of the said sum shall be free from all liability in respect of such annuity.

Payment and application of amount of commutation.

3. Any sum paid by the Treasury to the local authority for commutation of a share of an annuity shall be paid out of moneys provided by Parliament, and shall be applied in such manner as the local authority direct in aid of the rates out of which the annuity is payable, and may, if the local authority so direct, be invested in the name of the local authority, or of their clerk, in any securities in which trustees are for the time being authorised by law to invest, and such investment may be from time to time sold, and the proceeds of such sale and the income arising from the investment may be applied from time to time as the local authority direct in aid of the said rates.

Any sum paid to the Treasury by the local authority for commutation of a share of an annuity shall be paid out of the rates out of which the said share is payable, and shall be paid into the Exchequer.

Provision as to local authorities contributing to annuity.

4. Where two or more local authorities are liable to pay shares of the same annuity to an officer of a prison, each of those authorities shall be deemed to be a local authority for the purposes of this Act, but any such local authority shall not be entitled to require the Treasury to accept commutation of the share of an annuity if the Treasury have already commuted the share of that annuity payable by the Treasury.

The said local authorities may agree together for the commutation of the share of any such annuity which is payable by either of them, and the provisions of this Act shall apply accordingly.

Definitions.

5. For the purposes of this Act—

The expression "Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "local authority" means—

(*a.*) as regards England, the prison authority within the meaning of the Prison Act, 1877; and

40 & 41 Vict. c. 21.

(*b.*) as regards Scotland, the Commissioners of Supply of the county or the magistrates of a burgh; and

(*c.*) as regards Ireland, the grand jury of a county or a town council having the powers of a grand jury.

The expression "clerk of a local authority" means, as regards Ireland, the secretary of the grand jury, or in the case of a town council the town clerk, and such secretary shall for the purpose of an investment made in pursuance of this Act, be a corporation sole.

The expression "rates" includes any rates, assessment, cess, or other funds out of which a share of the annuity is payable by a local authority in pursuance of the Acts mentioned in the First Schedule to this Act.

SCHEDULES.

FIRST SCHEDULE.

PRISON ACTS REFERRED TO.

Session and Chapter.	Short Title of Act.	Sections referred to.
40 & 41 Vict. c. 21.	The Prison Act, 1877	Section thirty-six.
40 & 41 Vict. c. 49.	The General Prisons (Ireland) Act, 1877.	Section thirty-two.
40 & 41 Vict. c. 53.	The Prisons (Scotland) Act, 1877.	Section forty-three.

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SECOND SCHEDULE.

COMMUTATION TABLE.

Note. This table is identical with the Post Office Table of immediate life annuities made under 27 & 28 Vict. c. 43 s. 6.

TABLE showing the Capital Value of an Annuity of 1*l.* according to the Age and Sex of the Annuitant.

Age of the Annuitant at the Time of Commutation.	Males.			Females.			Age of the Annuitant at the Time of Commutation.	Males.			Females.		
	£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.
If 21 and under 22	19	10	11	21	3	11	If 51 and under 52	13	6	2	15	6	9
22 ,, 23	19	9	0	21	1	4	52 ,, 53	12	19	9	15	0	5
23 ,, 24	19	7	2	20	18	9	53 ,, 54	12	13	4	14	14	0
24 ,, 25	19	5	4	20	16	0	54 ,, 55	12	7	2	14	7	4
25 ,, 26	19	3	6	20	13	2	55 ,, 56	12	1	0	14	0	7
26 ,, 27	19	1	5	20	10	3	56 ,, 57	11	15	0	13	13	9
27 ,, 28	18	18	10	20	7	3	57 ,, 58	11	9	1	13	6	10
28 ,, 29	18	16	2	20	4	2	58 ,, 59	11	3	3	12	19	9
29 ,, 30	18	13	3	20	1	0	59 ,, 60	10	17	3	12	12	8
30 ,, 31	18	10	2	19	17	9	60 ,, 61	10	11	2	12	5	6
31 ,, 32	18	6	11	19	14	9	61 ,, 62	10	4	10	11	18	1
32 ,, 33	18	3	7	19	11	0	62 ,, 63	9	18	3	11	10	6
33 ,, 34	18	0	1	19	7	6	63 ,, 64	9	11	5	11	2	11
34 ,, 35	17	16	4	19	4	0	64 ,, 65	9	4	7	10	15	4
35 ,, 36	17	12	5	19	0	5	65 ,, 66	8	17	10	10	7	8
36 ,, 37	17	8	3	18	16	11	66 ,, 67	8	11	1	10	0	1
37 ,, 38	17	4	1	18	13	4	67 ,, 68	8	4	9	9	12	6
38 ,, 39	16	19	9	18	9	7	68 ,, 69	7	18	7	9	5	0
39 ,, 40	16	15	3	18	5	9	69 ,, 70	7	12	5	8	17	5
40 ,, 41	16	10	9	18	1	10	70 ,, 71	7	6	4	8	9	11
41 ,, 42	16	6	0	17	17	8	71 ,, 72	7	0	6	8	2	8
42 ,, 43	16	1	0	17	13	5	72 ,, 73	6	14	10	7	15	7
43 ,, 44	15	15	10	17	9	0	73 ,, 74	6	9	1	7	8	7
44 ,, 45	15	10	5	17	4	5	74 ,, 75	6	3	1	7	1	11
45 ,, 46	15	4	9	16	19	7	75 ,, 76	5	17	0	6	15	5
46 ,, 47	14	18	11	16	14	8	76 ,, 77	5	10	8	6	8	11
47 ,, 48	14	12	8	16	9	6	77 ,, 78	5	3	7	6	2	9
48 ,, 49	14	6	2	16	4	1	78 ,, 79	4	16	6	5	17	1
49 ,, 50	13	19	7	15	18	7	79 ,, 80	4	9	10	5	11	10
50 ,, 51	13	12	11	15	12	9	80 or any greater age.	4	3	3	5	7	0

Note.—Where the share of an annuity is a fraction of a pound, the capital value of that share shall be calculated proportionally in accordance with the above table.

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CHAPTER 64.

(Exchequer Bonds and Bills, No. 2.)

An Act to raise the sum of two million pounds by Exchequer Bonds, Exchequer Bills, or Treasury Bills for the service of the year ending on the 31st day of March 1879.—[16*th August* 1878.]

CHAPTER 65.

(Appropriation Act.)

An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-nine, and to appropriate the Supplies granted in this Session of Parliament.—[16*th August* 1878.]

CHAPTER 66.

An Act to promote Intermediate Education in Ireland.—[16*th August* 1878.]

FOREIGN JURISDICTION ACT, 1878.

[41 & 42 Vict. Ch. 67.]

ARRANGEMENT OF SECTIONS.

Section.
1. Construction of Act, and short titles.
2. Repeal of enactments in the Second Schedule.
3. Power for the Queen in Council to extend enactments in the First Schedule.
4. Validity of Orders made under Foreign Jurisdiction Acts.
5. Extension of Foreign Jurisdiction Acts over Her Majesty's subjects residing in countries without regular governments.
6. Jurisdiction over ships in Eastern seas.
7. Orders in Council to be laid before Parliament.
8. Provisions for protection of persons acting under Foreign Jurisdiction Acts.

Schedules :
First Schedule.—Enactments referred to.
Second Schedule.—Enactments repealed.

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CHAPTER 67.

An Act for extending and amending the Foreign Jurisdiction Acts.—[16*th August* 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Construction of Act, and short titles. 6 & 7 Vict. c. 94. 28 & 29 Vict. c. 116. 29 & 30 Vict. c. 87. 38 & 39 Vict. c. 85.

1.—(1.) This Act shall be construed as one with the Foreign Jurisdiction Acts, 1843 to 1875, and those Acts together with this Act, may be cited as the Foreign Jurisdiction Acts, 1843 to 1878, and this Act may be cited separately as the Foreign Jurisdiction Act, 1878.

(2.) The Acts whereof the titles are given in the First Schedule to this Act may be cited by the respective short titles given in that schedule.

Repeal of enactments in Second Schedule.

2. The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that,—

(1) any Order in Council, commission, or instructions made or issued in pursuance of any enactment hereby repealed, and in force at the passing of this Act, shall continue in force until altered or revoked by Her Majesty; and

(2) this repeal shall not affect anything done or suffered, or any right accrued or liability incurred before the passing of this Act; and

(3) any action, suit, or other proceeding affected by any enactment hereby repealed may be carried on in like manner as if this Act had not been passed.

Power for Queen in Council to extend enactments in First Schedule. 6 & 7 Vict. c. 94.

3.—(1.) It shall be lawful for Her Majesty the Queen in Council, if it seems fit, from time to time, by Order, to direct that all or any of the enactments described in the First Schedule to this Act, or any enactments for the time being in force amending or substituted for the same, shall extend, with or without any exceptions, adaptations, or modifications in the Order mentioned, to any country or place to which for the time being the Foreign Jurisdiction Act, 1843, applies.

(2) Thereupon those enactments shall operate as if that country or place were one of Her Majesty's Colonies, and as if Her Majesty in Council were the Legislature of that Colony.

Validity of orders made under Foreign Jurisdiction Acts.

4. An Order in Council purporting to be made in pursuance of the Foreign Jurisdiction Acts, 1843 to 1878, or any of

them, shall be deemed a colonial law within the Colonial Laws Validity Act, 1865, that is to say, the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter sixty-three, "to remove doubts "as to the validity of colonial laws;" and any country or place to which any such Order extends shall be deemed a colony within that Act. A.D. 1878 — 6 & 7 Vict. c. 94. 28 & 29 Vict. c. 116. 29 & 30 Vict. c. 87. 38 & 39 Vict. c. 85.

Extension of Foreign Jurisdiction Acts over Her Majesty's subjects residing in countries without regular governments. 6 & 7 Vict. c. 94.

5. In any country or place out of Her Majesty's dominions, in or to which any of Her Majesty's subjects are for the time being resident or resorting, and which is not subject to any government from whom Her Majesty might obtain power and jurisdiction by treaty or any of the other means mentioned in the Foreign Jurisdiction Act, 1843, Her Majesty shall by virtue of this Act have power and jurisdiction over Her Majesty's subjects for the time being resident in or resorting to that country or place, and the same shall be deemed power and jurisdiction had by Her Majesty therein within the Foreign Jurisdiction Act, 1843.

6 & 7 Vict. c. 94.

Jurisdiction over ships in Eastern seas.

6. It shall be lawful for Her Majesty the Queen in Council, from time to time, by Order, to make, for the government of Her Majesty's subjects being in any vessel at a distance of not more than one hundred miles from the coast of China or of Japan, any law that to Her Majesty in Council may seem meet, as fully and effectually as any such law might be made by Her Majesty in Council for the government of Her Majesty's subjects being in China or in Japan.

6 & 7 Vict. c. 94.

Orders in Council to be laid before Parliament. 6 & 7 Vict. c. 94. 28 & 29 Vict. c. 116. 29 & 30 Vict. c. 87. 38 & 39 Vict. c. 85.

7. Every Order in Council made in pursuance of the Foreign Jurisdiction Acts, 1843 to 1878, or any of them, shall be laid before both Houses of Parliament forthwith after it is made if Parliament be then in session, and if not, forthwith after the commencement of the then next session of Parliament.

Provisions for protection of persons acting under Foreign Jurisdiction Acts. 6 & 7 Vict. c. 94. 28 & 29 Vict. c. 116. 29 & 30 Vict. c. 87. 38 & 39 Vict. c. 85.

8.—(1.) An action, suit, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of the Foreign Jurisdiction Acts, 1843 to 1878, or any of them, or of any Order in Council made under the same, or of any such power or jurisdiction of Her Majesty as is mentioned in the said Acts or any of them, or in respect of any alleged neglect or default in the execution of the said Acts or any of them, or of any such Order in Council, power, or jurisdiction as aforesaid, shall not lie or be instituted—

(*a.*) in any court within Her Majesty's dominions, unless it is commenced within six months next after the act, neglect, or default complained of, or in case of a continuance of injury or damage, within six months next after the ceasing thereof, or where the cause of

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action arose out of Her Majesty's dominions, within six months after the parties to such action, suit, prosecution, or proceeding have been within the jurisdiction of the court in which the same is instituted;

(*b.*) nor in any of Her Majesty's courts without Her Majesty's dominions, unless the cause of action arose within the jurisdiction of that court, and the action is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(2.) In any such action, suit, or proceeding, tender of amends before the same was commenced may be pleaded in lieu of or in addition to any other plea. If the action, suit, or proceeding was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action, suit, or proceeding.

6 & 7 Vict. c. 94. 28 & 29 Vict. c. 116. 29 & 30 Vict. c. 87. 38 & 39 Vict. c. 85.

(3.) So far as regards any action, suit, prosecution, or proceeding instituted after the passing of this Act, the provisions of this section shall supersede any provision for a like purpose which is contained in any Order in Council under the Foreign Jurisdiction Acts, 1843 to 1875, and is in force at the passing of this Act, and such provision shall cease to have any effect.

SCHEDULES.

FIRST SCHEDULE.

Sections 1, 3.

Enactments referred to.

Session and Chapter.	Title.	Short Title.
6 & 7 Vict. c. 34.	An Act for the better Apprehension of certain Offenders.	Fugitive Offenders Act, 1843.
12 & 13 Vict. c. 96.	An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the jurisdiction of the Admiralty.	Admiralty Offences Colonial Act, 1849.
14 & 15 Vict. c. 99. Sections seven and eleven.	An Act to amend the law of evidence.	Evidence Act, 1851.
17 & 18 Vict. c. 104. Part X.	The Merchant Shipping Act, 1854.	
19 & 20 Vict. c. 113.	An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before Foreign Tribunals.	Foreign Tribunals Evidence Act, 1856.
22 Vict. c. 20.	An Act to provide for taking evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions, in places out of the jurisdiction of such Tribunals.	Evidence by Commission Act, 1859.
22 & 23 Vict. c. 63.	An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions, when pleaded in the Courts of another Part thereof.	British Law Ascertainment Act, 1859.

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Session and Chapter.	Title.	Short Title.
23 & 24 Vict. c. 122.	An Act to enable the Legislatures of Her Majesty's Possessions Abroad to make Enactments similar to the Enactment of the Act ninth George the Fourth, chapter thirty-one, section eight.	Admiralty Offences Colonial Act, 1860.
24 & 25 Vict. c. 11.	An Act to afford facilities for the better ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.	Foreign Law Ascertainment Act, 1861.
30 & 31 Vict. c. 124. Section eleven.	The Merchant Shipping Act, 1867.	
37 & 38 Vict. c. 94. Section fifty-one.	The Conveyancing (Scotland) Act, 1874.	

Section 2.

SECOND SCHEDULE.

Enactments repealed.

Session and Chapter.	Title.	Extent of Repeal.
6 & 7 Vict. c. 80.	An Act for the better government of Her Majesty's subjects resorting to China.	The whole Act.
6 & 7 Vict. c. 94.	The Foreign Jurisdiction Act, 1843.	Section seven.

CHAPTER 68.

An Act to provide for the foundation of four new Bishopries in England.—[16*th August* 1878.]

CHAPTER 69.

An Act to amend the Law regulating the office of Clerk of Petty Sessions, and the Law relating to Fines, in Ireland; and for other purposes.—[16*th August* 1878.]

CHAPTER 70.

An Act to continue various expiring Laws.—[16*th August* 1878.]

WHEREAS the several Acts mentioned in column one of part one of the schedule to this Act are, to the extent specified in column two of that part of the schedule, limited to expire on the thirty-first day of December one thousand eight hundred and seventy-eight; and the Act mentioned in column one of part two of the schedule is, to the extent specified in column two of the said part, limited to expire on the day mentioned in the fourth column of the schedule:

And whereas it is expedient to provide for the continuance as in this Act mentioned of such Acts, and of the enactments amending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Expiring Laws Continuance Act, 1878.

Continuance of Acts in schedule.

2. The Acts mentioned in column one of the schedule to this Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the thirty-first day of December one thousand eight hundred and seventy-nine, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.

SCHEDULE.

PART I.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	The whole Act so far as it is not repealed.	3 & 4 Vict. c. 91. (except ss. 18 and 23). 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	The whole Act.	——
(3) 4 & 5 Vict. c. 35. Copyhold, Inclosure, and Tithe Commissioners.	So much as relates to the appointment of and the period for holding office by Commissioners and other officers.	14 & 15 Vict. c. 53. 25 & 26 Vict. c. 73.
(4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	The whole Act.	——
(5) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	As to powers of Commissioners.	12 & 13 Vict. c. 59. 13 & 14 Vict. c. 31. 25 & 26 Vict. c. 29. 29 & 30 Vict. c. 40.
(6) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	——
(7) 11 & 12 Vict. c. 32. County Cess (Ireland).	The whole Act .	20 & 21 Vict. c. 7.
(8) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	The whole Act so far as it is not repealed.	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. 124. 31 & 32 Vict. c. 114. s. 10.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(9) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	The whole Act so far as it is not repealed.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29. 31 & 32 Vict. c. 125.
(10) 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland).	The whole Act.	——
(11) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	As to appointment of inspectors, s. 31.	——
(12) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	As to the powers of Commissioners, &c.	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.
(13) 26 & 27 Vict. c. 105. Promissory Notes.	The whole Act.	——
(14) 27 & 28 Vict. c. 9. Malt for Animals.	The whole Act.	——
(15) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	The whole Act.	——
(16) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act.	——
(17) 28 & 29 Vict. c. 66. Charging of Malt Duty by Weight.	The whole Act so far as it is not repealed.	29 & 30 Vict. c. 64.
(18) 28 & 29 Vict. c. 83. Locomotives on Roads.	The whole Act so far as it is not repealed.	——
(19) 29 & 30 Vict. c. 52. Prosecution Expenses.	The whole Act.	——

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1. Original Acts.	2. How far continued.	3. Amending Acts.
(20) 31 & 32 Vict. c. 125. Election Petitions and Corrupt Practices.	The whole Act.	——
(21) 32 & 33 Vict. c. 21. Election Commissioners Expenses.	The whole Act.	34 & 35 Vict. c. 61.
(22) 34 & 35 Vict. c. 87. Sunday Observance Prosecutions.	The whole Act.	——
(23) 34 & 35 Vict. c. 105. Petroleum.	The whole Act.	——

PART II.

1. Original Act.	2. How far continued.	3. Amending Act.	4. Date to which continued.
(24) 36 & 37 Vict. c. 48. Railway Commissioners.	The whole Act .	37 & 38 Vict. c. 40. (Part II.)	21st July 1878 and end of then next session.

CHAPTER 71.

An Act to extend to Metropolitan Commons certain provisions of the Commons Act, 1876.—[16*th August* 1878.]

CHAPTER 72.

An Act to prohibit the sale of Intoxicating Liquors on Sunday in Ireland.—[16*th August* 1878.]

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CHAPTER 73.

An Act to regulate the Law relating to the Trial of Offences committed on the Sea within a certain distance of the Coasts of Her Majesty's Dominions. —[16*th August* 1878.]

WHEREAS the rightful jurisdiction of Her Majesty, her heirs and successors, extends and has always extended over the open seas adjacent to the coasts of the United Kingdom and of all other parts of Her Majesty's dominions to such a distance as is necessary for the defence and security of such dominions:

And whereas it is expedient that all offences committed on the open sea within a certain distance of the coasts of the United Kingdom and of all other parts of Her Majesty's dominions, by whomsoever committed, should be dealt with according to law:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Territorial Waters Jurisdiction Act, 1878.

Amendment of the law as to the jurisdiction of the Admiral.

2. An offence committed by a person, whether he is or is not a subject of Her Majesty, on the open sea within the territorial waters of Her Majesty's dominions, is an offence within the jurisdiction of the Admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried, and punished accordingly.

Restriction on institution of proceedings for punishment of offence.

3. Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any such offence as is declared by this Act to be within the jurisdiction of the Admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of Her Majesty's Principal Secretaries of State, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of Her Majesty out of the United Kingdom, except with the leave of the Governor of the part of the dominions in which such proceedings are proposed to be instituted, and on

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his certificate that it is expedient that such proceedings should be instituted.

Provisions as to procedure.

4. On the trial of any person who is not a subject of Her Majesty for an offence declared by this Act to be within the jurisdiction of the Admiral, it shall not be necessary to aver in any indictment or information on such trial that such consent or certificate of the Secretary of State or Governor as is required by this Act has been given, and the fact of the same having been given shall be presumed unless disputed by the defendant at the trial; and the production of a document purporting to be signed by one of Her Majesty's Principal Secretaries of State as respects the United Kingdom, and by the Governor as respects any other part of Her Majesty's dominions, and containing such consent and certificate, shall be sufficient evidence for all the purposes of this Act of the consent and certificate required by this Act.

Proceedings before a justice of the peace or other magistrate previous to the committal of an offender for trial or to the determination of the justice or magistrate that the offender is to be put upon his trial shall not be deemed proceedings for the trial of the offence committed by such offender for the purposes of the said consent and certificate under this Act.

Saving as to jurisdiction.

5. Nothing in this Act contained shall be construed to be in derogation of any rightful jurisdiction of Her Majesty, her heirs or successors, under the law of nations, or to affect or prejudice any jurisdiction conferred by Act of Parliament or now by law existing in relation to foreign ships or in relation to persons on board such ships.

Saving as to piracy.

6. This Act shall not prejudice or affect the trial in manner heretofore in use of any act of piracy as defined by the law of nations, or affect or prejudice any law relating thereto; and where any act of piracy as defined by the law of nations is also any such offence as is declared by this Act to be within the jurisdiction of the Admiral, such offence may be tried in pursuance of this Act, or in pursuance of any other Act of Parliament, law, or custom relating thereto.

Definitions.

7. In this Act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings herein-after assigned to them; that is to say,

"Jurisdiction of the Admiral:"

"The jurisdiction of the Admiral," as used in this Act, includes the jurisdiction of the Admiralty of England and Ireland, or either of such jurisdictions as used in any Act of Parliament; and for the purpose of arresting any person charged with an offence declared by this Act to be within the jurisdiction of the Admiral, the territorial waters adjacent to the United Kingdom, or any other

part of Her Majesty's dominions, shall be deemed to be within the jurisdiction of any judge, magistrate, or officer having power within such United Kingdom, or other part of Her Majesty's dominions, to issue warrants for arresting or to arrest persons charged with offences committed within the jurisdiction of such judge, magistrate, or officer:

"United Kingdom:" "United Kingdom" includes the Isle of Man, the Channel Islands, and other adjacent islands:

"Territorial waters of Her Majesty's dominions:" "The territorial waters of Her Majesty's dominions," in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the Admiral, any part of the open sea within one marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions:

"Governor:" "Governor," as respect India, means the Governor General or the Governor of any presidency; and where a British possession consists of several constituent colonies, means the Governor General of the whole possession or the Governor of any of the constituent colonies; and as respects any other British possession, means the officer for the time being administering the government of such possession; also any person acting for or in the capacity of Governor shall be included under the term "Governor:"

"Offence:" "Offence" as used in this Act means an act, neglect, or default of such a description as would, if committed within the body of a county in England, be punishable on indictment according to the law of England for the time being in force:

"Ship:" "Ship" includes every description of ship, boat, or other floating craft:

"Foreign ship." "Foreign ship" means any ship which is not a British ship.

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CONTAGIOUS DISEASES (ANIMALS) ACT, 1878.

[41 & 42 Vict. Ch. 74.]

ARRANGEMENT OF SECTIONS.

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3. Division of Act into parts.
4. Repeal of enactments in schedule, with savings and other provisions.
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6. Extent of Part II.
7. Definition of county and other districts.

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8. Powers of Privy Council.

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9. Local authorities described in schedule.

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10. Declaration of infected place in cattle plague by inspector.
11. Declaration of infected place in cattle plague by Privy Council.
12. Declaration of infected area in cattle plague.
13. Alteration of infected place or area in cattle plague.
14. Declaration of freedom from cattle plague.
15. Slaughter by Privy Council in cattle plague, and compensation out of public money.

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16. Declaration of infected place in pleuro-pneumonia by local authority.
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19. Rules for pleuro-pneumonia.
20. Declaration of freedom from pleuro-pneumonia.
21. Slaughter by local authority in pleuro-pneumonia, and compensation out of local rates.

Foot-and-Mouth Disease.

22. Declaration of infected place in foot-and-mouth disease by local authority.
23. Declaration or extension of infected place in foot-and-mouth disease by Privy Council.

Section.
24. Declaration of infected area in foot-and-mouth disease by Privy Council.
25. Rules for foot-and-mouth disease.
26. Declaration of freedom from foot-and-mouth disease.

Exceptional Powers for Transit, and other cases.

27. Privy Council to provide for pleuro-pneumonia and foot-and-mouth disease during transit, and in other cases.

Infected Places and Areas, generally.

28. General provisions respecting declaration of infected places and areas.

Slaughter in Disease, and Compensation, generally.

29. Power for Privy Council to provide for slaughter in other diseases.
30. General provisions relative to slaughter and compensation.

Notice of Disease to Police.

31. Separation of diseased animals, and notice to constable.

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32. Power for Privy Council to make orders for prevention or checking of disease, and other purposes.
33. Provision of water and food at railway stations.

Dairies, Cow-sheds, and Milk-shops.

34. Power for Privy Council to make orders relative to dairies, cow-sheds, and milk-shops.

Foreign Animals.

35. Prohibition of importation; slaughter or quarantine.
36. Regulation of ports.

Powers and Duties of Local Authorities.

37. Local authorities to be treated as incorporated.
38. Committees of local authorities.
39. Provision of places for landing of foreign animals.
40. Power for local authority to acquire land.
41. Duties of local authorities, and enforcement thereof.
42. Inspectors and other officers of local authority.
43. Reports to Privy Council.
44. Orders and regulations of local authorities.
45. Powers of local authorities to be for their district.

Expenses of Local Authorities.

46. Expenses out of local rate.
47. Relief of boroughs from contribution to county expenses.
48. Outstanding rates.

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49. Power for local authority to borrow.

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50. Duties and authorities of constables.

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51. General powers of inspectors.
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Section.
53. Expenses of burial of carcases washed ashore.
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55. Provisions for protection of local authority and persons acting under Act.
56. No stamp duty or fees.
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59. Yearly return to be laid before Houses of Parliament.

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60. Fines for offences.
61. General offences.
62. Imprisonment instead of fine for use of expired licences, digging up of carcases, and other specified offences.
63. Proceedings in court of summary jurisdiction.
64. Appeal.
65. Proceedings under Customs Acts for unlawful landing or shipping.
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67. Application of Parts II. and III. to Scotland.

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68. Local authorities in schedule.
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70. Levy and recovery of assessments.

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71. Purchase of land.

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72. Provisions as to borrowing by local authority.

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75. Application of Parts II. and IV. to Ireland.
76. Interpretation in Part IV.

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77. Powers of Lord Lieutenant and Privy Council.
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79. Constitution of local authorities; lands and borrowing.
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81. Qualifications and powers of inspectors.

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83. Constitution of fund.
84. Application of fund.

General.

Section.
85. Application of provisions respecting police.
86. Recovery of penalties and summary proceedings.
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88. Provision for expenses of Veterinary Department.

SCHEDULES.

The First Schedule (*Enactments Repealed*).
The Second Schedule (*Local Authorities in England*).
The Third Schedule (*Pleuro-Pneumonia*).
The Fourth Schedule (*Foot-and-Mouth Disease*).
The Fifth Schedule (*Foreign Animals*).
The Sixth Schedule (*Committees of Local Authorities*).
The Seventh Schedule (*Local Authorities in Scotland*).

CHAPTER 74.

An Act for making better provision respecting Contagious and Infectious Diseases of Cattle and other Animals; and for other purposes.—[16*th August* 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.—GENERAL.

Short title.

1. This Act may be cited as the Contagious Diseases (Animals) Act, 1878.

Commencement of Act.

2.—(1.) This Act shall, except as otherwise expressed, commence and have effect from and immediately after the thirtieth day of September one thousand eight hundred and seventy-eight, which time is in this Act referred to as the commencement of this Act.

(2.) But on and after the passing of this Act any Order of Council and Order in Council necessary or proper for bringing this Act into operation at the commencement thereof, and any order or regulation of a local authority authorised by any such Order of Council or in Council, may be made so that the same do not take effect before the commencement of this Act; and on and after the passing of this Act any committee and any inspector or other officer may be appointed to act under this Act as from the commencement thereof.

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Division of Act into Parts.

3. This Act is divided into Parts, as follows:

Part I.—General.
Part II.—England.
Part III.—Scotland.
Part IV.—Ireland.

Repeal of enactments in schedule, with saving and other provisions.

4.—(1.) The enactments described in the First Schedule are hereby repealed, subject to the qualifications and exceptions in this Act mentioned.

(2.) The repeal of enactments or any other thing in this Act shall not—

(i.) Affect the past operation of any of those enactments, or any Order of Council or in Council or regulation of a local authority made, or any licence granted, or any committee or sub-committee constituted, or any appointment made, or any right, title, obligation, or liability accrued, or any money borrowed, or any market, wharf, lair, landing-place, or other accommodation provided, or any rate or mortgage made, or the validity or invalidity of anything done or suffered, under any of those enactments before the commencement of this Act:

(ii.) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect of any offence committed against, or penalty or forfeiture incurred or liability accrued under or in consequence of, any of those enactments or any order or regulation made thereunder:

(iii.) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(3.) Notwithstanding the repeal of enactments or any other thing in this Act, every Order of Council and in Council and other thing in this section mentioned shall continue and be as if this Act had not been passed; but so that the same may be revoked, altered, or otherwise dealt with under this Act, as if it had been made or done under this Act.

32 & 33 Vict. c. 70. 40 & 41 Vict. c. 68.

(4.) This Act, instead of the Contagious Diseases (Animals) Act, 1869, shall be deemed to be referred to in the Destructive Insects Act, 1877; and penalties under the provisions of that Act relating to Great Britain shall be recoverable in manner provided in Parts II. and III. of this Act.

Interpretation and construction.

5.—(1.) In this Act—

(i.) "Cattle" means bulls, cows, oxen, heifers, and calves:

(ii.) "Animals" means, except where it is otherwise expressed, cattle, sheep, and goats, and all other ruminating animals, and swine:

(iii.) "Disease" means cattle plague (that is to say, rinderpest, or the disease commonly called cattle plague), contagious pleuro-pneumonia of cattle (in this Act called pleuro-pneumonia), foot-and-mouth disease, sheep-pox, or sheep-scab:

(iv.) "Diseased" means affected with disease:

(v.) "Suspected" means suspected of being diseased:

(vi.) "Carcase" means the carcase of an animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of an animal, separately or otherwise, or any portion thereof:

(vii.) "Fodder" means hay or other substance commonly used for food of animals:

(viii.) "Litter" means straw or other substance commonly used for bedding or otherwise for or about animals:

(ix.) "Foreign," applied to a country, denotes a country out of the United Kingdom of Great Britain and Ireland, and applied to animals and things, means brought to the United Kingdom of Great Britain and Ireland from a foreign country:

(x.) "Inspector of the Privy Council" or "inspector of a local authority" means a person appointed to be an inspector for purposes of this Act, by the Privy Council or by a local authority, as the case may be; and "inspector," used alone, means such a person, by whichever authority appointed:

(xi.) "Veterinary inspector" means an inspector being a member of the Royal College of Veterinary Surgeons, or any veterinary practitioner qualified as approved by the Privy Council:

(xii.) "Treasury" means the Commissioners of Her Majesty's Treasury:

(xiii.) "The Corporation of London" means the Mayor and Commonalty and Citizens of the City of London, acting by the Mayor, Aldermen, and Commons of that City, in Common Council assembled:

(xiv.) "The Customs Acts" means the Customs Consolidation Act, 1876, and any enactment amending or substituted for that Act: 39 & 40 Vict. c. 36.

(xv.) "Justice" means justice of the peace:

(xvi.) "Court of summary jurisdiction" means two or more justices sitting in petty sessions at a court or other public place appointed in that behalf, or a police, stipendiary, or other magistrate or officer, however designated, having by law power to act for any purpose with the authority of two justices, and sitting at a police court or other place appointed in that behalf:

(xvii.) "Railway company" includes a company or persons working a railway under lease or otherwise:

(xviii.) "Person" includes a body corporate or unincorporate:

(xix.) "Part" means Part of this Act, and "Schedule" means Schedule to this Act.

(2.) The schedules shall be construed and have effect as part of this Act.

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(3.) In the computation of time for purposes of this Act, a period reckoned by days from the happening of an event or the doing of an act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done.

Part II.—England.

Extent of Part II.

6. Part II. applies to England.

Definition of county and other districts.

7. In and for purposes of Part II.—

(i.) "County" does not include a county of a city or a county of a town, but includes a riding or division or parts of a county having a separate commission of the peace:

(ii.) The liberty of the Isle of Ely and the soke of Peterborough are each a county:

(iii.) Every other liberty or franchise of a county is part of the county by which it is surrounded, or, if partly surrounded by two or more counties, is part of that county with which it has the longest common boundary:

18 & 19 Vict. c. 120.

(iv.) "Metropolis" has the same meaning as in the Metropolis Management Act, 1855:

(v.) "Borough" means—

5 & 6 W. 4. c. 76.

(*a.*) A place for the time being subject to the Municipal Corporation Act, 1835; or

(*b.*) A place having for the time being under any general or local Act of Parliament, or otherwise, a separate police establishment:

(vi.) Every place not being a county, borough, part of the Metropolis, or named in the Second Schedule, forms part of the county to the county rate whereof it is assessed, or, if it is not so assessed, forms part of the county wherein it is situate.

Privy Council.

Powers of Privy Council.

8.—(1.) In this Act Her Majesty's Most Honourable Privy Council is referred to as the Privy Council, and an Order of the Privy Council under this Act is referred to as an Order of Council.

(2.) Powers by this Act conferred on the Privy Council may be exercised by the Lords and others of the Privy Council, or two of them; and, as regards the making of orders and doing of acts affecting only particular local authorities, persons, ports, towns, districts, places, areas, vessels, or things, and as regards the issuing and revocation of licences, and the appointment or removal of inspectors and other officers, may be exercised by the Lord President of the Council or one of Her Majesty's Principal Secretaries of State.

Local Authorities.

Local authorities described in schedule.

9. For the purposes of this Part, the respective districts, authorities, rates, and officers described in the Second Schedule, shall be the district, the local authority, the local rate, and the clerk of the local authority, but subject as regards the Metropolis to the following provisions:

(i.) The Corporation of London shall alone be the local authority in and for the Metropolis for purposes of the provisions of this Act relating to foreign animals:

(ii.) The City of London and the liberties thereof shall contribute for purposes of this Act to the Metropolitan Consolidated Rate:

(iii.) No part of the expenses of the local authority for a county shall be included in any precept or warrant for the levying or collection of a county rate within the Metropolis.

Cattle Plague.

Declaration of infected place in cattle plague by inspector.

10.—(1.) Where it appears to an inspector that cattle plague exists, or has within ten day existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cow-shed, field, or other place, with all lands and buildings contiguous thereto in the same occupation, shall become and be a place infected with cattle plague, subject to the determination and declaration of the Privy Council.

(4.) The inspector shall serve a like notice, signed by him, unless, in the circumstances, this appears to him not to be expedient, on the occupiers of all lands and buildings, any part whereof lies in his judgment within one mile in any direction from that cow-shed, field, or other place, or on the occupiers of any of those lands and buildings.

(5.) Thereupon, all the lands and buildings aforesaid, on the occupiers whereof the inspector serves such a notice, shall become and be part of the aforesaid place infected with cattle plague, subject to the determination and declaration of the Privy Council.

(6.) The inspector shall, with all practicable speed, inform the Privy Council and the local authority of his declaration and notices, and shall send to the Privy Council his declaration and a copy of his secondly-mentioned notice (if any).

(7.) The Privy Council shall forthwith on receipt of the

A.D. 1878 information inquire into the correctness of the inspector's declaration.

(8.) If the Privy Council are satisfied of the correctness of that declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with cattle plague.

(9.) If the Privy Council are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly; and thereupon, as from the time specified in the order, the place comprised in the inspector's declaration and notices shall cease to be a place infected with cattle plague.

Declaration of infected place in cattle plague by Privy Council.

11. The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cowshed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with cattle plague.

Declaration of infected area in cattle plague.

12. The Privy Council may from time to time, if they think fit, by order declare any area, wherein a place infected with cattle plague is situate, to be an area infected with cattle plague.

Alteration of infected place or area in cattle plague.

13. The Privy Council may from time to time, if they think fit, by order extend, contract, or otherwise alter the limits of a place or area infected with cattle plague.

Declaration of freedom from cattle plague.

14. The Privy Council may at any time, if they think fit, by order declare a place or area infected with cattle plague, or part thereof, to be free from cattle plague.

Slaughter by Privy Council in cattle plague, and compensation out of public money.

15.—(1.) The Privy Council shall cause to be slaughtered—

(i.) All animals affected with cattle plague:

(ii.) All animals being or having been in the same shed or stable, herd or flock, or in contact, with an animal affected with cattle plague.

(2.) The Privy Council may, if they think fit, in any case cause to be slaughtered—

(iii.) All animals suspected of cattle plague, or being in a place infected with cattle plague:

(iv.) All animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury from time to time think fit to make).

(3.) The Privy Council shall, for animals slaughtered under this section, pay compensation as follows, out of money provided by Parliament:

(*a.*) Where the animal slaughtered was affected with cattle plague, the compensation shall be one half of its value immediately before it became so affected, but so that the compensation do not in any such case exceed twenty pounds : A.D. 1878

(*b.*) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

Pleuro-Pneumonia.

16.—(1.) Where it appears to an inspector of a local authority that pleuro-pneumonia exists, or has within fifty-six days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof. Declaration of infected place in pleuro-pneumonia by local authority.

(2.) He shall serve a notice, signed by him, of the declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cow-shed, field, or other place shall become and be a place infected with pleuro-pneumonia, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration, with the assistance and advice of a veterinary inspector, or of a person qualified according to this Act to be such.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with pleuro-pneumonia, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cow-shed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with pleuro-pneumonia any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly ; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or other place to which the inspector's declaration relates shall cease to be a place infected with pleuro-pneumonia.

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(9.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected area, comprising the infected place, shall be declared, and, if so, what should, in their opinion, be the limits of that area, and whether or not there is within that area any place used for the holding of a market, fair, exhibition, or sale of cattle, and, if so, whether or not it is, in their opinion, expedient that the holding in that area, while infected, of a market, fair, exhibition, or sale of cattle, should be prohibited or restricted by Order of Council.

(10.) This section shall, notwithstanding anything therein contained, be construed and have effect subject to the subsequent section in this Act contained, whereby the Privy Council are required to make, by order, provision respecting the case of cattle found to be affected with pleuro-pneumonia while exposed for sale or exhibited in a market, fair, sale-yard, or place of exhibition, and in other circumstances specified in the same section, and generally while being in a place not in the possession or occupation, or under the control, of the owner of the cattle.

Declaration or extension of infected place in pleuro-pneumonia by Privy Council.

17.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with pleuro-pneumonia.

(2.) The Privy Council may from time to time, if they think fit, by order extend the limits of a place infected with pleuro-pneumonia, declared either by a local authority or by the Privy Council.

Declaration of infected area in pleuro-pneumonia by Privy Council.

18.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any area wherein a place infected with pleuro-pneumonia is situate to be an area infected with pleuro-pneumonia, and may from time to time, if they think fit, by order extend the limits of such an area.

(2.) The Privy Council, on making any such order, shall consider whether it is necessary or expedient to prohibit the holding in that area, while infected, of any market, fair, exhibition, or sale of cattle, and shall either prohibit the holding thereof accordingly, or allow the same to be held on such terms and conditions as they think fit to prescribe.

Rules for pleuro-pneumonia.

19. The rules set forth in the Third Schedule shall have effect in relation to a place or area infected with pleuro-pneumonia.

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Declaration of freedom from pleuro-pneumonia.

20.—(1.) Where a local authority have declared a place to be infected with pleuro-pneumonia, they may, if they think fit, at any time after the expiration of fifty-six days from the date of the cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(2.) Where the Privy Council or a local authority have declared a place to be infected with pleuro-pneumonia, the Privy Council may, if they think fit, at any time after the expiration of fifty-six days from the date of the cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(3.) Where the Privy Council have declared an area to be infected with pleuro-pneumonia, they may, if they think fit, at any time when there is not within that area, or within some particular portion thereof, any place infected with pleuro-pneumonia, declare by order that area, or that portion thereof, to be free from pleuro-pneumonia.

Slaughter by local authority in pleuro-pneumonia, and compensation out of local rates.

21.—(1.) A local authority shall cause all cattle affected with pleuro-pneumonia to be slaughtered within two days after the existence of the disease is known to them.

(2.) A local authority may, if they think fit, cause any cattle being or having been in the same shed or herd, or in contact, with cattle affected with pleuro-pneumonia to be slaughtered.

(3.) The local authority shall out of the local rate pay compensation as follows for cattle slaughtered under this section :

(i.) Where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three fourths of its value immediately before it became so affected, but so that the compensation do not in any such case exceed thirty pounds :

(ii.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

Foot-and-Mouth Disease.

Declaration of infected place in foot-and-mouth disease by local authority.

22.—(1.) Where it appears to an inspector of a local authority that foot-and-mouth disease exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place, and also on the occupier or occupiers of any lands or buildings contiguous thereto as he shall consider necessary.

(3.) Thereupon that cow-shed, field, or other place shall become and be a place infected with foot-and-mouth disease,

A.D. 1878 subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with foot-and-mouth disease, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cow-shed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with foot-and-mouth disease any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or other place to which the inspector's declaration relates shall cease to be a place infected with foot-and-mouth disease.

(9.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected area, comprising the infected place, shall be declared, and, if so, what should, in their opinion, be the limits of that area, and whether or not there is within that area any place used for the holding of a market, fair, exhibition, or sale of animals, and, if so, whether or not it is, in their opinion, expedient that the holding in that area, while infected, of a market, fair, exhibition, or sale of animals should be prohibited or restricted by Order of Council.

(10.) This section shall, notwithstanding anything therein contained, be construed and have effect subject to the subsequent section in this Act contained, whereby the Privy Council are required to make, by order, provision respecting the case of animals found to be affected with foot-and-mouth disease while exposed for sale or exhibited in a market, fair, sale-yard, or place of exhibition, and in other circumstances specified in the

same section, and generally while being in a place not in the possession or occupation, or under the control, of the owner of the animals. A.D. 1878

Declaration or extension of infected place in foot-and-mouth disease by Privy Council.

23.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with foot-and-mouth disease.

(2). The Privy Council may from time to time, if they think fit, on any evidence satisfactory to them, by order extend the limits of a place infected with foot-and-mouth disease, declared either by the Privy Council or by a local authority.

Declaration of infected area in foot-and-mouth disease by Privy Council.

24.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any area wherein a place infected with foot-and-mouth disease is situate to be an area infected with foot-and-mouth disease, and may from time to time, if they think fit, by order extend the limits of such an area.

(2.) The Privy Council, on making any such order, shall consider whether it is necessary or expedient to prohibit the holding in that area, while infected, of any market, fair, exhibition, or sale of animals, and shall either prohibit the holding thereof accordingly or allow the same to be held on such terms and conditions as they think fit to prescribe.

Rules for foot-and-mouth disease.

25. The rules set forth in the Fourth Schedule shall have effect in relation to a place or area infected with foot-and-mouth disease.

Declaration of freedom from foot-and-mouth disease.

26.—(1.) Where a local authority have declared a place to be infected with foot-and-mouth disease, they may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days from that date, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place to be free from foot-and-mouth disease.

(2.) Where the Privy Council or a local authority have declared a place to be infected with foot-and-mouth disease, the Privy Council may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days from that date, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place to be free from foot-and-mouth disease.

(3.) Where the Privy Council have declared an area to be infected with foot-and-mouth disease, they may, if they think fit, at any time when there is not within that area, or within some

A.D. 1878 particular portion thereof, any place infected with foot-and-mouth disease, declare, by order, that area, or that portion thereof, to be free from foot-and-mouth disease.

Exceptional Powers for Transit, and other cases.

Privy Council to provide for pleuro-pneumonia and foot-and-mouth disease during transit, and in other cases.

27.—(1.) The Privy Council shall, as soon as may be after the passing of this Act, and thereafter from time to time, by general order make such further or other provision as they think necessary or expedient respecting the case of animals found to be affected with pleuro-pneumonia or foot-and-mouth disease—

(i.) While exposed for sale or exhibited in a market, fair, sale-yard, place of exhibition, or other place; or

(ii.) While placed in a lair or other place before exposure for sale; or

(iii.) While in transit or in course of being moved by land or by water; or

(iv.) While in a foreign animals wharf or foreign animals quarantine station; or

(v.) While being in a slaughter-house or place where animals are slaughtered or are kept with a view to slaughter; or

(vi.) While being on common or uninclosed land; or

(vii.) Generally, while being in a place not in the possession or occupation or under the control of the owner of the animals.

(2.) The Privy Council shall, by general orders under this section, from time to time make such provision as they think fit for the consequences under this Act of animals being so found in the circumstances aforesaid, as well with regard to the animals as with regard to the places where they are when so found and other places, and with regard to animals being or having been in the same shed or stable, herd or flock, or in contact, with animals so found.

(3.) The Privy Council may from time to time, by special orders under this section relating to particular places, make such provision as they think fit for the consequences aforesaid.

(4.) Every order under this section shall have full effect notwithstanding any provision of this Act requiring the declaration of a place infected by pleuro-pneumonia or foot-and-mouth disease, or relating to any consequence thereof, or to any matter connected therewith, and notwithstanding any other provision whatsoever of this Act.

Infected Places and Areas, generally.

General provisions

28.—(1.) The Privy Council may, from time to time, make

such general orders as they think fit, subject and according to the provisions of this Act, for prescribing the cases in which places and areas are to be declared to be infected with a disease other than cattle plague, pleuro-pneumonia, or foot-and-mouth disease, and the authority, mode, and conditions by, in, and on which declarations in that behalf are to be made, and the effect and consequences thereof, and the duration and discontinuance thereof, and other matters connected therewith. A.D. 1878 — respecting declaration of infected places and areas.

(2.) Every place or area so declared infected, as well as a place or area declared infected with cattle plague, pleuro-pneumonia, or foot-and-mouth disease, shall be an infected place or area within this Act.

(3.) Notwithstanding anything in this Act, where the Privy Council, on inquiry, and after communication with the local authority, but without prejudice to the powers of the Privy Council as regards cattle plague, are satisfied that a declaration of a place being an infected place has been made in error respecting the existence or past existence of disease or respecting the limits of a place, or respecting any other matter of fact whereon the declaration proceeded, the Privy Council may, by order, cancel the declaration as regards the infected place, or as regards any part thereof, as they think fit.

(4.) Where, in accordance with the provisions of this Act, a place or area or a portion of an area is declared free from a disease, or a declaration of a place being an infected place is cancelled, as regards the place or as regards any part thereof, then, as from the time specified in that behalf by the Privy Council or a local authority, as the case may be, the place or area, or that portion of the area, or that part of the place, shall cease to be, or to be in, an infected place or area.

(5.) An order of the Privy Council or of a local authority declaring a place or area to be an infected place or area, or a place or area, or a portion of an area, to be free from disease, or cancelling a declaration, shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease, or of the error, and of any other matter whereon the order proceeds.

Slaughter in Disease, and Compensation, generally.

29. The Privy Council may from time to time make such orders as they think fit, subject and according to the provisions of this Act, for directing or authorising, in case of the existence of any disease other than cattle plague or pleuro-pneumonia, slaughter of animals by local authorities, either generally or in particular instances, and in all or any of such cases payment Power for Privy Council to provide for slaughter in other diseases.

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of compensation for the same by local authorities out of the local rate.

General provisions relative to slaughter and compensation.

30.—(1.) The Privy Council may, notwithstanding anything in this Act, reserve for observation and treatment an animal liable to be slaughtered under this Act by order of the Privy Council or of a local authority, but subject to payment of compensation by the Privy Council or the local authority, as the case may be, as in case of actual slaughter.

(2.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the carcase of the animal shall belong to the Privy Council or to the local authority, as the case may be, and shall be buried, or sold, or otherwise disposed of by them, or as they direct, as the condition of the animal or carcase and other circumstances may require or admit; and any money received by a local authority on any such sale shall be carried by them to the credit of the local rate.

(3.) If, in any case, the sum received by the Privy Council or a local authority on sale of a carcase under this section exceeds the amount paid for compensation to the owner of the animal slaughtered, the Privy Council or local authority, as the case may be, shall pay that excess to the owner, after deduction of reasonable expenses.

(4.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the Privy Council or local authority, as the case may be, may use for the burial of the carcase any ground in the possession or occupation of the owner of the animal and suitable in that behalf, or any common or uninclosed land, but, as regards the use by a local authority of common or uninclosed land, not without the approval of the Privy Council.

(5.) If the owner of an animal slaughtered under this Act by order of the Privy Council or of a local authority has an insurance on the animal, the amount of the compensation awarded to him under this Act may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect thereof.

(6.) A local authority shall keep, as the Privy Council from time to time by general order direct, a record relative to slaughter, which record shall be admitted in evidence.

(7.) Notwithstanding anything in this Act, the Privy Council or a local authority, as the case may be, may, if they think fit, withhold, either wholly or partially, compensation or other payment in respect of an animal slaughtered under this Act by their respective order, where the owner or the person having charge thereof has, in their respective judgment, been guilty,

in relation to the animal, of an offence against this Act, or where the animal, being a foreign animal, was, in their respective judgment, diseased at the time of its landing. A.D. 1878

Notice of Disease to Police.

Separation of diseased animals, and notice to constable.

31.—(1.) Every person having in his possession or under his charge an animal affected with disease shall, as far as practicable, keep that animal separate from animals not so affected, and shall, with all practicable speed, give notice of the fact of the animal being so affected to a constable of the police establishment for the police district or area, county, borough, town, or place wherein the animal so affected is.

(2.) The constable to whom notice is given shall forthwith give information thereof to such person or authority as the Privy Council from time to time by general order direct.

(3.) The Privy Council from time to time may make such general orders as they think fit for prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease, or in case of the illness of an animal, and for supplementing or varying for those purposes any of the provisions of this section.

Disease and Movement, generally.

Power for Privy Council to make orders for prevention or checking of disease, and other purposes.

32. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing and regulating the publication by placards, handbills, or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration.

(ii.) For prohibiting or regulating the movement of animals and persons into, in, or out of an infected place or area.

(iii.) For prescribing and regulating the isolation or separation of animals being in an infected place or area.

(iv.) For prohibiting or regulating the removal of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things into, in, or out of an infected place or area.

(v.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things, being in an infected place or area, or removed thereout.

(vi.) For prescribing and regulating the cleansing and disinfecting of infected places and areas, or parts thereof.

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(vii.) For prescribing and regulating the disinfecting of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place, and the use of precautions against the spreading of disease by such persons.

(viii.) For prohibiting or regulating the digging up of carcases buried.

(ix.) For prohibiting or regulating the exposure of diseased or suspected animals in markets or fairs or sale-yards, or other public or private places, where animals are commonly exposed for sale, and the placing thereof in lairs or other places adjacent to or connected with markets or fairs, or where animals are commonly placed before exposure for sale.

(x.) For prohibiting or regulating the sending or carrying of diseased or suspected animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried, on railways, canals, rivers, or inland navigations, or in coasting vessels, or otherwise.

(xi.) For prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, or the causing them to be carried, led, or driven on highways or thoroughfares, or elsewhere.

(xii.) For prohibiting or regulating the placing or keeping of diseased or suspected animals on commons or uninclosed lands, or in fields or other places insufficiently fenced, or on the sides of highways.

(xiii.) For prescribing and regulating the seizure, detention, and disposal of a diseased or suspected animal exposed, carried, kept, or otherwise dealt with in contravention of an Order of Council; and for prescribing and regulating the liability of the owner or consignor or consignee of the animal to the expenses connected with the seizure, detention, and disposal thereof.

(xiv.) For prescribing the mode of ascertainment of the value of an animal slaughtered, or liable to be slaughtered, by order of the Privy Council or of a local authority.

(xv.) For regulating applications for, and the mode of payment of, compensation to be paid out of money provided by Parliament.

(xvi.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases of animals slaughtered by order of the Privy Council or of a local authority, or dying while diseased or suspected.

(xvii.) For prohibiting or regulating movement of animals, and the removal of carcases, fodder, litter, dung, and other things, and for prescribing and regulating the isolation of animals newly purchased.

(xviii.) For prescribing and regulating the issuing and production of licences respecting movement and removal of animals and things.

(xix.) For prohibiting or regulating the holding of markets, fairs, exhibitions, and sales of animals.

(xx.) For prescribing and regulating the cleansing and disinfecting of places used for the holding of markets, fairs, exhibitions, and sales of animals, or for lairage of animals, and yards, sheds, stables, and other places used for animals.

(xxi.) For prescribing and regulating the cleansing and disinfecting of vessels, vehicles, and pens and other places, used for the carrying of animals for hire or purposes connected therewith.

(xxii.) For prescribing modes of cleansing and disinfecting.

(xxiii.) For insuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing.

(xxiv.) For protecting them from unnecessary suffering during the passage and on landing.

(xxv.) For protecting animals from unnecessary suffering during inland transit.

(xxvi.) For securing a proper supply of water and food to animals during any detention thereof.

(xxvii.) For prescribing and regulating the marking of animals.

(xxviii.) For prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any purpose connected therewith, of a vessel, vehicle, or pen or other place in respect whereof, or of the use whereof, a penalty has been recovered from any person for an offence against this Act.

(xxix.) For prescribing and regulating the payment and recovery of expenses in respect of animals.

(xxx.) For prescribing and regulating the form and mode of service or delivery of notices and other instruments.

(xxxi.) For authorising a local authority to make regulations for purposes of this Act or of an Order of Council, subject to such conditions, if any, as the Privy Council, for the purpose of securing uniformity and the due execution of the provisions of this Act, think fit to prescribe.

(xxxii.) For applying all or any of the provisions of this Act to horses, asses, and mules, and to glanders and farcy, and other diseases thereof.

(xxxiii.) For extending, for all or any of the purposes of this Act, the definition of disease in this Act, so that the same shall for those purposes comprise any disease of animals in addition to the diseases mentioned in this Act.

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(xxxiv.) Generally, for the better execution of this Act, or for the purpose of in any manner preventing the spreading of disease.

Provision of water and food at railway stations.

33.—(1.) Every railway company shall make a provision, to the satisfaction of the Privy Council, of water and food, or either of them, at such stations as the Privy Council from time to time, by general or specific description, direct, for animals carried, or about to be or having been carried, on the railway of the company.

(2.) The water and food so provided, or either of them, shall be supplied to any such animal by the company carrying it, on the request of the consignor or of any person in charge thereof.

(3.) As regards water, if, in the case of any animal, such a request is not made, so that the animal remains without a supply of water for twenty-four consecutive hours, the consignor and the person in charge of the animal shall each be guilty of an offence against this Act; and it shall lie on the person charged to prove such a request and the time within which the animal had a supply of water.

(4.) But the Privy Council may from time to time, if they think fit, by order prescribe any other period, not less than twelve hours, instead of the period of twenty-four hours aforesaid, generally, or in respect of any particular kind of animals.

(5.) The company supplying water or food under this section may make in respect thereof such reasonable charges if any as the Privy Council by order approve, in addition to such charges as they are for the time being authorised to make in respect of the carriage of animals. The amount of those additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee thereof to the company, and shall be recoverable by the company from either of them, with costs, by proceedings in any court of competent jurisdiction. The company shall have a lien for the amount thereof on the animal in respect whereof the same accrued due, and on any other animal at any time consigned by or to the same consignor or consignee to be carried by the company.

Dairies, Cow-sheds, and Milk-shops.

Power for Privy Council to make orders relative to dairies, cow-sheds, and milk-shops.

34. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes or any of them:

(i.) For the registration with the local authority of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk.

(ii.) For the inspection of cattle in dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cow-sheds in the occupation of persons following the trade of cowkeepers or dairymen. A.D. 1878

(iii.) For securing the cleanliness of milk-stores, milk-shops, and of milk-vessels used for containing milk for sale by such persons.

(iv.) For prescribing precautions to be taken for protecting milk against infection or contamination.

(v.) For authorising a local authority to make regulations for the purposes aforesaid, or any of them, subject to such conditions, if any, as the Privy Council prescribe.

Foreign Animals.

Prohibition of importation; slaughter or quarantine.

35.—(1.) The Privy Council may from time to time make such general or special orders as they think fit for prohibiting the landing of animals, or of any specified kind thereof, or of carcases, fodder, litter, dung, or other thing, brought from any specified foreign country, or any specified part thereof.

(2.) Any such order may be made at any time after the passing of this Act, but shall not take effect before the first day of January one thousand eight hundred and seventy-nine; and until that day Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, and all other provisions relating to foreign animals of that Act and of any other Act repealed by this Act, shall, notwithstanding that repeal, or any other thing in this Act, be in force as if this Act had not been passed. 32 & 33 Vict. c. 70.

(3.) On and after the first day of January one thousand eight hundred and seventy-nine, the provisions set forth in the Fifth Schedule shall apply to foreign animals, the landing whereof is not for the time being prohibited by Order of Council made under this section.

Regulation of ports.

36.—(1.) The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing the ports at which alone foreign animals may be landed.

(ii.) For defining the limits of ports for purposes of this Act.

(iii.) For defining parts of ports.

(iv.) For prohibiting or regulating the movement of animals into, in, or out of a defined part of a port.

(v.) For prescribing and regulating the inspection and ex-

A.D. 1878 amination, and the mode, time, and conditions of slaughter, of animals in a defined part of a port.

(vi.) For prescribing and regulating the disposal of animals, not being foreign animals, and being in a defined part of a port.

(vii.) For regulating the removal of carcases, fodder, litter, utensils, dung, or other things into, in, or out of a defined part of a port, and the disposal thereof, when likely to introduce or spread disease.

(viii.) For prescribing and regulating the cleansing and disinfecting of a defined part of a port or of parts thereof.

(ix.) For prescribing and regulating the disinfecting or destruction of things being in a defined part of a port or removed thereout.

(x.) For regulating the movement of persons into, in, or out of a defined part of a port.

(xi.) For prescribing and regulating the disinfecting of the clothes of persons employed or being in a defined part of a port, and the use of precautions against the introduction or spreading by them of disease.

(xii.) For prescribing and regulating the seizure and detention of any foreign animal, carcase, fodder, litter, dung, or other thing whereby disease may be introduced or spread.

(xiii.) Generally, for the better execution of this Act in relation to foreign animals, carcases, fodder, litter, dung, or other things, or for the purpose of in any manner preventing the introduction or spreading thereby of disease.

(2.) Notwithstanding anything in this Act, a defined part of a port, or any part thereof, shall not be declared to be an infected place, or be made part of an infected place, otherwise than by the Privy Council.

(3.) Where the district or part of a district of a local authority described in the Second Schedule is or comprises, or is comprised in, a port or part of a port, the Privy Council may from time to time, if they think fit, in relation to that port or part of a port, by order, make any body, other than the body constituted the local authority by the Second Schedule, the local authority for the purposes of the provisions of this Act relating to foreign animals, and, in connexion with the local authority so made, prescribe the local rate, if any, and the clerk of the local authority.

Powers and Duties of Local Authorities.

Local authorities to be treated

37. A local authority, not being a body corporate, may sue and be sued, and take and hold land, and otherwise act and be

dealt with for all purposes of this Act, by the name or title of the local authority under this Act for their district, as if they were incorporated. A.D. 1878 as incorporated.

38. The provisions in the Sixth Schedule shall have effect with respect to committees of local authorities. Committees of local authorities.

39.—(1.) A local authority may provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter, or disposal of foreign animals, carcases, fodder, litter, dung, and other things. Provision of places for landing of foreign animals.

(2.) There shall be incorporated with this Act the Markets and Fairs Clauses Act, 1847, except sections six to nine and fifty-one to sixty thereof, all inclusive.

(3.) A wharf or other place provided by a local authority under this section shall be a market within that Act; and this Act shall be the special Act; and the prescribed limits shall be the limits of lands acquired or appropriated for purposes of this section; and byelaws shall be approved by the Privy Council, which approval shall be sufficient without any other approval or allowance, notice of application for approval being given, and proposed byelaws being published before application, as required by the Markets and Fairs Clauses Act, 1847. 10 & 11 Vict. c. 14.

(4.) A local authority may charge for the use of a wharf or other place provided by them under this section such sums as byelaws from time to time appoint, and the same shall be deemed tolls authorised by the special Act. 10 & 11 Vict. c. 14.

(5.) All sums so received by the local authority shall be carried to a separate account, and shall be applied in payment of interest on money borrowed by them for purposes of Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, or of this section, and in repayment of the principal thereof, and, subject thereto, towards discharge of their expenses under this Act. 32 & 33 Vict. c. 70.

(6.) The local authority shall make such periodical returns to the Privy Council of their expenditure and receipts in respect of the wharf or other place as the Privy Council from time to time require.

(7.) The Privy Council, if satisfied on inquiry that the tolls taken by the local authority for the wharf or other place may properly be reduced, regard being had to the expenditure and receipts of the local authority in respect thereof, and to any money secured on the tolls, and to the other circumstances of the case, may require the local authority to submit to the Privy Council, for their approval, a new schedule of tolls, and on failure of the local authority to do so, to the satisfaction of the Privy Council, may, by order, prescribe such tolls as they think fit, in lieu of those before approved by them.

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8. The provisions of this section shall apply to a wharf or other place provided by a local authority under the Contagious Diseases (Animals) Act, 1869.

32 & 33 Vict. c. 70.

Power for local authority to acquire land.

40.—(1.) A local authority may purchase, or may by agreement take on lease or at a rent, land for wharves or other places, or for use for burial of carcases in cases where there is not any ground suitable in that behalf in the possession or occupation of the owner of the animal, or any common or uninclosed land suitable, and approved by the Privy Council, in that behalf, or for any other purpose of this Act.

(2.) They may subject to any agreement dispose of lands so acquired, but not required for this Act, carrying the money produced thereby to the credit of the local rate.

38 & 39 Vict. c. 55.

(3.) The regulations contained in section one hundred and seventy-six of the Public Health Act, 1875, shall be observed with respect to the purchase of land by a local authority for purposes of this Act, as if the local authority were a local board, and purposes of this Act were purposes of that Act: save that the requisite advertisements and notices may be published and served in any two consecutive months, and that the local rate be substituted for the rates therein mentioned.

(4.) The powers conferred by this section may be exercised by a local authority with respect to land within or without their district.

Duties of local authorities, and enforcement thereof.

41.—(1.) Every local authority shall execute and enforce this Act and every Order of Council, as far as the same are to be executed or enforced by local authorities.

(2.) Where a local authority fail to execute or enforce any of the provisions of this Act, or of an Order of Council, the Privy Council may by order empower a person therein named to execute and enforce those provisions, or to procure the execution and enforcement thereof.

(3.) The expenses incurred thereby by or on behalf of the Privy Council, including compensation for animals slaughtered, shall be expenses of the local authority, and the amount thereof shall be paid to the Privy Council, on demand, by the treasurer or other proper officer of the local authority; and in default of payment the same shall be recoverable from the local authority, with costs, by a person appointed by the Privy Council to sue in that behalf.

(4.) For the purposes of this section an order of the Privy Council shall be conclusive in respect of any default, amount of expenses, or other matter therein stated or appearing.

(5.) The provisions of this section shall be without prejudice to the right or power of the Privy Council, or any other authority or any person, to take any other proceedings for

requiring a local authority to execute or enforce any of the provisions of this Act, or of an Order of Council. A.D. 1878

Inspectors and other officers of local authority.

42.—(1.) Every local authority shall from time to time appoint so many inspectors and other officers as they think necessary for the execution and enforcement of this Act, and shall assign to those inspectors and officers such duties, and salaries or allowances, and may delegate to any of them such authorities and discretion, as to the local authority seem fit, and may at any time revoke any appointment so made.

(2.) Every local authority shall keep appointed at all times at least one veterinary inspector, and shall appoint and at all times keep appointed so many other veterinary inspectors as the Privy Council, having regard to the extent and circumstances of the district of the local authority, from time to time direct.

(3.) The Privy Council, on being satisfied on inquiry that an inspector of a local authority is incompetent, or has been guilty of misconduct or neglect, may, if they think fit, direct his removal, and thereupon he shall cease to be an inspector.

Reports to Privy Council.

43. Every local authority and their inspectors and officers shall send and give to the Privy Council such notices, reports, returns, and information as the Privy Council from time to time require.

Orders and regulations of local authorities.

44.—(1.) An order or regulation of a local authority may be proved—

(i.) By the production of a newspaper purporting to contain the order or regulation as an advertisement; or

(ii.) By the production of a copy of the order or regulation purporting to be certified by the clerk of the local authority as a true copy.

(2.) An order or regulation so proved shall be taken to have been duly made, unless and until the contrary is proved.

(3.) An order or regulation of a local authority authorised by this Act or by Order of Council shall alone be deemed for purposes of this Act an order or regulation of a local authority.

Powers of local authorities to be for their district.

45. The provisions of this Act conferring powers on, or otherwise relating to, a local authority, or their inspectors or officers, shall, unless otherwise expressed, be read as having reference to the district of the local authority; and powers thereby conferred shall, unless it is otherwise expressed, be exerciseable and shall operate within and in relation to that district only.

Expenses of Local Authorities.

Expenses out of local rate.

46. The expenses of a local authority shall be defrayed out

A.D. 1878 of the local rate; and such sums as may be necessary to defray those expenses shall from time to time be levied with and as part of the local rate.

Relief of boroughs from contribution to county expenses.

47.—(1.) The local authority of a borough assessed to the county rate of a county shall be paid by the local authority of the county the proportionate amount paid by the several parishes and parts of parishes in the borough towards the expenses under this Act of the local authority of the county.

(2.) The local authority of a borough having a separate court of quarter sessions shall be exempt from contributing towards the expenses under this Act of the local authority of the county within which the borough is situate: and the treasurer of the county shall, out of the account required by the Municipal Corporation Act, 1835, to be kept by him of money expended out of the county rate for other purposes than those in that Act mentioned, exclude the expenses under this Act of the local authority of the county; and the amount to be paid to the treasurer of the county by the borough shall be varied accordingly.

5 & 6 W. 4. c. 76.

Outstanding rates.

48. The existence of an order or precept for the making or collection under any former Act of a rate remaining uncollected wholly or in part at the commencement of this Act shall not affect the validity of any rate thereafter made.

Borrowing by Local Authorities.

Power for local authority to borrow.

49.—(1.) Where the amount or proportion of the local rate levied or required for this Act exceeds or would exceed in any financial year sixpence in the pound, a local authority may borrow at interest on the credit of the local rate any money necessary under this Act, and may secure the repayment thereof, with interest, by mortgaging the local rate for any term not exceeding seven years.

(2.) Where the amount or proportion aforesaid exceeds or would exceed in any financial year ninepence in the pound, the Local Government Board may, if they think fit, on application of the local authority, extend the term to any period not exceeding fourteen years.

(3.) A local authority, borrowing for the purposes of this section, shall borrow subject to the provisions of the Local Loans Act, 1875; and every loan raised under this section shall be discharged in manner prescribed by section thirteen of that Act, for which purpose a sinking fund is hereby prescribed, if in any case the Local Government Board so direct, but not otherwise.

38 & 39 Vict. c. 83.

(4.) The Public Works Loan Commissioners may, on the re-

commendation of the Local Government Board, advance money to a local authority in manner provided by the Public Works Loans Act, 1875, and any enactment amending or substituted for that Act, the same to be repaid, with interest, within the term aforesaid, and the local authority may so borrow accordingly. A.D. 1878 —— 38 & 39 Vict. c. 58.

(5.) A local authority, borrowing for purposes of the provisions of this Act relating to foreign animals, may, if they think fit, give as security, either with the local rate, if any, or separately therefrom, the charges which they are authorised to make for the use of a wharf or other place provided by them under this Act, and any estates, revenues, or funds belonging to them and not otherwise appropriated by law; and in that case the limitations in this section respecting the amount or proportion of rate and term of years shall not operate.

Police.

Duties and authorities of constables.

50.—(1.) The police of each police district or area, county, borough, town, and place shall execute and enforce this Act and every Order of Council.

(2.) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him; and, if his name and address are not known to the constable, and he fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine an animal, vehicle, boat, or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(3.) If any person obstructs or impedes a constable or other officer in the execution of this Act or of an Order of Council or of a regulation of a local authority, or assists in any such obstructing or impeding, the constable or officer may without warrant apprehend the offender.

(4.) A person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained without a warrant longer than is necessary for that purpose; and all enactments relating to the release of persons on recognizances taken by an officer of police or a constable shall apply in the case of a person apprehended under this section.

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(5.) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(6.) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings consequent thereon.

(7.) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

General.

General powers of inspectors.

51.—(1.) An inspector shall have, for purposes of this Act, all powers which a constable has under this Act or otherwise in the place where the inspector is acting.

(2.) An inspector may at any time enter any land, or dairy or cow-shed to which this Act applies, or milk-stores, or milk-shop, or other building or place wherein he has reasonable grounds for supposing—

(*a.*) That disease exists or has within fifty-six days existed; or

(*b.*) That the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of; or

(*c.*) That there is to be found any pen, place, vehicle, or thing in respect whereof any person has on any occasion failed to comply with the provisions of this Act, or of an Order of Council, or of a regulation of a local authority; or

(*d.*) That this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(3.) An inspector may at any time enter any pen, vehicle, vessel, or boat in which or in respect whereof he has reasonable grounds for supposing that this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(4.) An inspector entering, as in this section authorised, shall, if required by the owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, or boat, state in writing his reasons for entering.

(5.) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate shall for the purposes of this Act be conclusive evidence in all courts of justice of the matter certified.

(6.) An inspector of the Privy Council shall have all the powers of an inspector throughout England or that part thereof for which he is appointed.

Power for detention of vessels.

52.—(1.) Where an inspector of the Privy Council is satisfied that this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with on board a vessel in a port, then, on the representation in writing to that effect of the inspector, stating particulars of non-compliance, the vessel may be detained until the Privy Council otherwise direct.

(2.) The officer detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.

39 & 40 Vict. c. 80.

(3.) Section thirty-four of the Merchant Shipping Act, 1876, shall apply in the case of such detention, as if it were effected under an Act in that section mentioned.

Expenses of burial of carcases washed ashore.

53. Where a carcase washed ashore is buried or destroyed under the direction of a receiver of wreck, with authority from the Board of Trade, the expenses thereof shall be expenses of the local authority, and shall be paid by them to the receiver on demand, and in default of payment shall be recoverable with costs from them by the receiver.

Power to exclude strangers by notice.

54. A person owning or having charge of animals in a place or area declared infected with any disease may affix, at or near the entrance to a building or inclosure in which the animals are, a notice forbidding persons to enter therein without the permission mentioned in the notice; and thereupon it shall not be lawful for any person, not having by law a right of entry or way into, on, or over that building or inclosure, to enter or go into, on, or over the same without that permission.

Provisions for protection of local authority and persons acting under Act.

55.—(1.) An action, prosecution, or proceeding against a local authority, or an inspector or officer of the Privy Council or of a local authority, or any person, for any act done in pursuance or execution or intended execution of this Act, or of an Order of Council, or regulation of a local authority, or in respect of any alleged neglect or default in the execution of this Act, or of such an order or regulation, shall not lie or be instituted unless it is commenced within four months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within four months next after the ceasing thereof.

(2.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between

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solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

(3.) Subject and without prejudice to any other powers, a local authority, where the defendant in any such action, prosecution, or other proceeding is their officer, servant, or agent, may, if they think fit, except so far as the court before whom such action, prosecution, or other proceeding is heard and determined otherwise directs, pay as part of their expenses in the execution of this Act all or any part of any sums payable by such defendant in or in consequence of such action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fine, or otherwise.

No stamp duty or fees.

56. No stamp duty shall be payable on, and no fee or other charge shall be demanded or made for, any appointment, certificate, declaration, licence, or thing under this Act, or an Order of Council, or a regulation of a local authority, or for any inspection or other act precedent to the granting, making, or doing of a certificate, declaration, licence, or other thing.

Evidence and form and service of instruments.

57.—(1.) In any proceeding under this Act, no proof shall be required of the appointment or handwriting of an inspector or other officer of the Privy Council, or of the clerk or an inspector or other officer of a local authority.

(2.) Every notice or other instrument under this Act or under an Order of Council or regulation of a local authority may be in writing or print, or partly in writing and partly in print.

(3.) Any such notice or other instrument may be served on the person to be affected thereby, either by the delivery thereof to him personally, or by the leaving thereof for him at his last known place of abode or business, or by the sending thereof through the post in a registered letter addressed to him there.

(4.) A notice or other instrument so sent by post shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course.

(5.) In order to prove service by letter of a notice or other instrument, it shall be sufficient to prove that the letter was properly addressed, registered, and posted, and contained the notice or other instrument to be served.

(6.) A notice or other instrument to be served on the occupier of any building, land, or place may, except when sent by post, be addressed to him by the designation of the occupier of that building, land, or place, without naming or further describing him; and where it is to be served on the several occupiers of several buildings, lands, or places, may, except when sent by post, be addressed to them collectively by the designa-

tion of the occupiers of those several buildings, lands, or places, without further naming or describing them, but separate copies thereof being served on them severally.

Provisions respecting Orders of Council.

58.—(1.) The Privy Council may from time to time alter or revoke any Order of Council.

(2.) Every Order of Council shall have effect as if it had been enacted by this Act.

(3.) Every Order of Council shall be published in the London Gazette; save that where an order affects only a particular local authority, person, port, town, district, place, area, vessel, or thing, or is a licence or revocation of a licence, or in the nature thereof, or is an appointment or removal of an inspector or other officer, then the insertion in the London Gazette of a notice of the making of the order shall suffice; and a copy of the London Gazette containing such a notice shall be evidence of the order, as if the notice were the order.

(4.) Every Order of Council, licence, or other instrument issued by the Privy Council shall be published by and at the expense of every local authority to whom it is sent by the Privy Council for publication, in such manner as the Privy Council direct, and, subject to and in the absence of any direction, by advertisement in a newspaper circulating in the district of the local authority.

(5.) The validity or effect of an Order of Council, licence, or other instrument issued by the Privy Council shall not be affected by want of or defect or irregularity in any publication thereof.

(6.) Any act of the Privy Council under this Act, done otherwise than by Order of Council, shall be sufficiently done and signified by an instrument signed by the Clerk of the Council; and every act done and signified by an instrument purporting to be so signed shall be deemed to have been duly done by the Privy Council; and every such instrument shall be received in evidence in all courts and proceedings without proof of the authority or signature of the Clerk of the Council or other proof.

Yearly return to be laid before Houses of Parliament.

59. A return shall be made and laid before both Houses of Parliament not later than the thirty-first day of March in each year, setting forth every Order of Council made since the date of the last return and every previous Order of Council required to be published in the London Gazette and in force; and stating the proceedings and expenditure under this Act of the Privy Council, and, as far as reasonably may be, of local authorities, in the year ending the thirty-first day of December then last; and showing the number of foreign animals landed and found diseased in that year, specifying separately the different

A.D. 1878 kinds of disease, and the ports of exportation and landing, and the mode of disposal of the animals; and containing such other information respecting the operation of this Act as the Privy Council think fit.

Offences and Proceedings.

Fines for offences.

60. If any person is guilty of an offence against this Act, he shall for every such offence be liable—

(i.) To a penalty not exceeding twenty pounds; or

(ii.) If the offence is committed with respect to more than four animals, to a penalty not exceeding five pounds for each animal; or

(iii.) Where the offence is committed in relation to carcases, fodder, litter, dung, or other thing (exclusive of animals), to a penalty not exceeding ten pounds in respect of every half ton in weight thereof after one half ton, in addition to the first penalty of not exceeding twenty pounds.

General offences.

61.—1. If any person, without lawful authority or excuse, proof whereof shall lie on him, does any of the following things, he shall be guilty of an offence against this Act:

(i.) If he does anything in contravention of this Act, or of an Order of Council, or of a regulation of a local authority:

(ii.) If, where required by this Act to keep an animal separate as far as practicable, or to give notice of disease with all practicable speed, he fails to do so:

(iii.) If he fails to give, produce, observe, or do any notice, licence, rule, or thing which by this Act, or by an Order of Council, or by a regulation of a local authority, he is required to give, produce, observe, or do:

(iv.) If he does anything which by this Act or an Order of Council is made or declared to be not lawful:

(v.) If he does or admits anything, the doing or omission whereof is declared by this Act or by an Order of Council to be an offence by him against this Act:

(vi.) If he refuses to an inspector or other officer, acting in execution of this Act, or of an Order of Council, or of a regulation of a local authority, admission to any land, building, place, vessel, pen, vehicle, or boat which the inspector or officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding:

(vii.) If he throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation, or other water, or into or in the sea within three miles of the

shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected: A.D. 1878

(2.) And on a further conviction within a period of twelve months for a second or subsequent offence against the same sub-section of this section, he shall be liable, in the discretion of the court of summary jurisdiction before which he is convicted, to be imprisoned for any term not exceeding one month, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

Imprisonment instead of fine for use of expired licences, digging up of carcases, and other specified offences.

62.—(1.) If any person does any of the following things, he shall be guilty of an offence against this Act:

(i.) If, with intent to unlawfully evade this Act, or an Order of Council, or a regulation of a local authority, he does anything for which a licence is requisite under this Act, or an Order of Council, or a regulation of a local authority, without having obtained a licence:

(ii.) If, where such a licence is requisite, having obtained a licence, he, with the like intent, does the thing licensed after the licence has expired:

(iii.) If he uses or offers or attempts to use as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge thereof:

(iv.) If, with intent to unlawfully evade this Act, or an Order of Council, or a regulation of a local authority, he alters, or falsely makes, or ante-dates, or counterfeits, or offers or utters, knowing the same to be altered, or falsely made, or ante-dated, or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act, or an Order of Council, or a regulation of a local authority:

(v.) If, for the purpose of obtaining such a licence, certificate, or instrument, he makes a declaration or statement false in any material particular, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof:

(vi.) If he obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof:

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(vii.) If he grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof, or grants or issues such a licence, certificate, or instrument, having, and knowing that he has, no lawful authority to grant or issue the same:

(viii.) If, with intent to unlawfully evade or defeat this Act, or an Order of Council, or a regulation of a local authority, he grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Act, or an Order of Council, or a regulation of a local authority, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue thereof so filled up as to specify any particular animal or thing:

(ix.) If he uses or offers or attempts to use for any purpose of this Act, or of an Order of Council, or of a regulation of a local authority, an instrument so issued in blank, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge thereof:

(x.) If he by means of any fraud or false pretence obtains, or attempts to obtain, compensation from the Privy Council or a local authority in respect of an animal slaughtered, or aids or abets any person in any such fraud or false pretence:

(xi.) If, without lawful authority or excuse, proof whereof shall lie on him, he digs up, or causes to be dug up, a carcase buried under the direction of the Privy Council or of a local authority or of a receiver of wreck:

(xii.) If, where an Order of Council has prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected therewith, of a vessel, vehicle, or pen, or other place, he, without lawful authority or excuse, proof whereof shall lie on him, does anything so prohibited.

(2.) And in every case in this section specified he shall be liable, on conviction, in the discretion of the court of summary jurisdiction before which he is convicted, to be imprisoned for any term not exceeding two months, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

Proceedings in court of

63. Proceedings and penalties for offences against this Act may be taken and recovered, and expenses and other money by this Act or an Order of Council made recoverable summarily

may be recovered with costs, and summary orders under this Act or an Order of Council may be made with costs, by or before a court of summary jurisdiction, under and according to the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), "to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same; but nothing in this section shall apply to proceedings under the Customs Acts.

Summary jurisdiction. 11 & 12 Vict. c. 43.

64.—(1.) If any person thinks himself aggrieved by the dismissal of a complaint by, or by any determination or adjudication of, a court of summary jurisdiction under this Act, he may appeal therefrom.

Appeal.

(2.) The appeal shall be made to the next practicable court of general or quarter sessions for the county or place in which the cause of appeal arises, holden not less than twenty-one days after the decision appealed from.

(3.) The appellant shall, within ten days after the decision, give notice to the clerk of the court whose decision is appealed from of his intention to appeal, and of the grounds thereof, and to the other party.

(4.) The appellant shall within three days after such notice enter into a recognizance before a justice, with two sufficient sureties, conditioned personally to try the appeal.

(5.) The court may adjourn the appeal, and may make such order thereon as the court thinks fit.

(6.) Nothing in this section shall affect any enactment relative to appeals in cases of summary convictions or adjudications in the city of London or the metropolitan police district, or apply to proceedings under the Customs Acts.

65.—(1.) If any person lands or ships or attempts to land or ship an animal or thing in contravention of this Act or of an Order of Council, he shall be liable, under and according to the Customs Acts, to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation whereof is prohibited by or under the Customs Acts, without prejudice to any proceeding against him under this Act for an offence against this Act, but so that he be not punished twice for the same offence.

Proceedings under Customs Acts for unlawful landing or shipping.

(2.) The animal or thing in respect whereof the offence is committed shall be forfeited, under and according to the Customs Acts, as goods the importation or exportation whereof is prohibited by or under the Customs Acts are liable to be forfeited.

General provision

66.—(1.) The description of an offence against this Act in

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the words of this Act, or of the Order of Council or regulation of a local authority under which the offence arises, or in similar words, shall be sufficient in law.

(2.) Any exception, exemption, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, or in the Order of Council or regulation of a local authority under which the offence arises, may be proved by the defendant, but need not be specified or negatived in the information; and, if it is so specified or negatived, proof in relation to the matter so specified or negatived shall not be required on the part of the informant.

(3.) A warrant of commitment under this Act shall not be held void by reason of any defect therein, if only there is a valid conviction to sustain the warrant, and it is alleged in the warrant that the person named therein has been convicted.

(4.) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness, unless and until he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he had not knowledge thereof, and could not with reasonable diligence have obtained that knowledge.

(5.) Where a person is charged with an offence against this Act in not having duly cleansed or disinfected any place, vessel, vehicle, or thing belonging to him or under his charge, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfecting thereof.

(6.) A person charged with an offence against this Act may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness.

(7.) Every offence against this Act shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Act, or an Order of Council, or regulation of a local authority shall be deemed to have arisen, either in any place where the same actually was committed or arose, or in any place where the person charged or complained of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint, or proceeding.

(8.) Notwithstanding anything in any Act relating to the metropolitan police or to municipal corporations or in any other Act, such part not exceeding one half of every penalty or forfeiture recovered under this Act (except in proceedings under

the Customs Acts) as the court of summary jurisdiction before which it is recovered thinks fit, shall be paid to the person who proceeds for the same, and the residue thereof shall be applied as if this section had not been enacted. A.D. 1878

Part III.—Scotland.

Application of Parts II. and III. to Scotland.

67.—(1.) Part III. applies to Scotland only.

(2.) Part II. shall also, by virtue of this section, extend to Scotland, subject to Part III., which shall have effect in substitution for Part II., when so expressed or implied, and otherwise shall have effect in addition to Part II.

Local Authorities.

Local authorities in schedule.

68. For the purposes of this Part the respective districts, authorities, rates, and officers described in the Seventh Schedule shall be the district, the local authority, the local rate, and the clerk of the local authority.

Appointment of local authority in counties.

69.—(1.) The commissioners of supply in every county shall meet and nominate not fewer than four or more than fifteen of their number to act on the county board for the purposes of this Act, and shall intimate to the lord lieutenant of the county and the convener of the county the number and names of the persons so appointed.

(2.) The clerk of supply in each county shall call a meeting of the occupiers of agricultural subjects in the county valued in the valuation roll in force for the time at one hundred pounds and upwards, and of occupiers of such subjects of which they are owners valued in the valuation roll at fifty pounds and under one hundred pounds. The meeting shall be called by advertisement in one or more newspapers circulating in the county for the same day as, or for a day not later than eight days after, the meeting of the commissioners of supply. The advertisement shall specify the time and place of such meeting, and the clerk of supply shall be clerk to such meeting. The meeting shall nominate from among such occupiers, and owners and occupiers, a number of persons equal to those nominated by the commissioners of supply, and the meeting shall also name a convener, who shall intimate the names of the persons so nominated to the convener of the county, and shall have power to call similar meetings by such advertisement when occasion shall require. In the event of such election not being intimated to the convener of the county within fifteen days from the date of such

A.D. 1878 meeting, it shall be lawful to the lord lieutenant to nominate from among such occupiers, or owners and occupiers, such number of persons, and intimate the same to the convener of the county.

(3.) Any such nomination and intimation made for the purposes of the Contagious Diseases (Animals) Act, 1869, shall continue to have effect for the purposes of this Act.

32 & 33 Vict. c. 70.

(4.) A local authority may, if they think fit, determine that a certain number of their members, not exceeding one third thereof, shall retire periodically, at intervals of not less than three years, the members so retiring being re-eligible; and the local authority may lay down such rules as they think fit to regulate the time and manner of such retirement.

(5.) Vacancies from time to time happening by retirement, death, resignation, or otherwise among the members of the local authority shall be filled up by the authority and in the manner by and in which the members vacating office were respectively nominated.

(6.) The persons nominated as in this section provided, and the lord lieutenant of the county, the convener of the county, and the sheriff of the county (or in his absence such one of his substitutes as he directs by writing under his hand) for the time being shall constitute the local authority.

(7.) As far as not otherwise provided by this Act, such local authority shall have all the powers conferred on the local authority by this Act, and shall have power to elect a chairman, specify a quorum, and make all regulations necessary for carrying the purposes of this Act into effect.

(8.) The chairman of the local authority, and in default of him the convener of the county, and in default of him any three members of the local authority, may at any time call a meeting of the local authority to be held at such time and place as he or they may fix, and the local authority may adjourn as they from time to time think fit.

Levy and recovery of assessments.

70.—(1.) The local authority in a county shall from time to time give notice to the commissioners of supply of the sums necessary to be provided under the provisions of this Act by means of the local rate; and the amount so intimated shall be assessed and collected by the commissioners of supply according to the real rent of lands and heritages as appearing on the valuation roll in force for the year, and shall be paid over to the local authority.

(2.) The local authority in a burgh shall in like manner assess and collect the amount required to be raised by local rate within such burgh.

(3.) All such assessments shall be payable one half by the

proprietor and one half by the tenant, but may be collected wholly from the tenant, who shall in that case be entitled to deduct one half thereof from the rent payable by him to the proprietor, or wholly from the proprietor, who shall in that case be entitled to relief against the tenant for one half of the assessment. A.D. 1878

(4.) All the provisions in regard to the recovery of assessments in the Act of the session of the twentieth and twenty-first years of Her Majesty (chapter seventy-two), "to render "more effectual the police in counties and burghs in Scot- "land," are hereby incorporated in this Part as far as the same are not inconsistent with the provisions of this Part. 20 & 21 Vict. c. 72.

Land.

71. The provisions of Part II. relating to the purchase of land shall have effect as if section ninety of the Public Health (Scotland) Act, 1867, were thereby applied, instead of section one hundred and seventy-six of the Public Health Act, 1875; and in the said section ninety the local authority and local rate under this Part shall be substituted for the local authority and the assessment therein mentioned. Purchase of land. 30 & 31 Vict. c. 101. 38 & 39 Vict. c. 55.

Borrowing.

72. The provisions of Part II. relating to borrowing by local authorities shall, as regards Scotland, be modified as follows: Provisions as to borrowing by local authority.

(i.) Those provisions shall have reference to the amount only of the local rate, and not to the proportion thereof.

(ii.) One of Her Majesty's Principal Secretaries of State shall be substituted for the Local Government Board.

(iii.) Borrowing by a local authority shall not be subject to the provisions of the Local Loans Act, 1875; and in lieu thereof the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, shall, for the purposes of that borrowing, be incorporated with this Act, the local authority being deemed to be the Commissioners; and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a judicial factor. 38 & 39 Vict. c. 83. 10 & 11 Vict. c. 16.

Inspectors.

73.—(1.) An inspector of the Privy Council shall have all the powers of an inspector throughout Scotland or that part thereof for which he is appointed. Powers and qualifications of inspectors.

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(2.) Any person may be appointed and be a Veterinary Inspector in Scotland who holds the Veterinary certificate of the Highland and Agricultural Society of Scotland.

Legal Proceedings.

Recovery and application of penalties, and other matters.

74.—(1.) Penalties for offences against this Act, other than penalties recoverable under the Customs Acts, and expenses by this Act or an Order of Council directed to be recovered summarily, and summary orders under this Act or an Order of Council, may, with expenses, be recovered before, and be made by, two justices under the Summary Procedure Act, 1864, and any Act amending the same.

27 & 28 Vict. c. 53.

(2.) The terms "justice" and "justices" include any magistrate having jurisdiction under the Summary Procedure Act, 1864.

27 & 28 Vict. c. 53.

(3.) In the event of any person refusing or delaying to comply with the order of a local authority, the local authority may give information thereof to the procurator-fiscal of the county or burgh, who may apply to the sheriff for a warrant to carry such order into effect, and such warrant may be executed by the officers of court in common form.

(4.) All judicial powers given to justices and quarter sessions or to magistrates in boroughs by this Act may also be exercised by the sheriff or sheriff-substitute of the county.

(5.) An appeal against a conviction under this Act shall be to the Court of Justiciary at the next circuit court, or where there are no circuit courts, to the High Court of Justiciary at Edinburgh, and not otherwise: and such appeal may be made in the manner and under the rules, limitations, and conditions contained in the Act of the twentieth year of the reign of King George the Second, chapter forty-three, "for taking "away and abolishing heritable jurisdictions in Scotland," or as near thereto as circumstances admit; with this variation, that the appellant shall find caution to pay any additional expenses awarded by the court dismissing the appeal.

20 Geo. 2. c. 43.

(6.) Notwithstanding anything in this or any other Act, the part of every penalty or forfeiture recovered under this Act, except in proceedings under the Customs Acts, which is not in this Act directed to be paid to the person who sues or proceeds for the same, shall be paid as follows:

(*a.*) To the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, when the court is the sheriff court:

(*b.*) To the collector of county rates, in aid of the county general assessment, when the court is the justice of the peace court:

(*c.*) To the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court:

(*d.*) To the treasurer of the board of police, or commissioners of police, in aid of the police funds, when the court is a police court.

(7.) "Plaintiff" means pursuer, and "defendant" means defender.

(8.) The provisions in Part II. relating to tender and payment into court do not apply to Scotland.

Part IV.—Ireland.

Application of Parts II. and IV. to Ireland.

75.—(1.) Part IV. applies to Ireland.

(2.) Part II. shall also, by virtue of this section, extend to Ireland, subject to Part IV., which shall have effect in substitution for Part II., when so expressed or implied, and otherwise shall have effect in addition to Part II.

Interpretation in Part IV.

76. In Part IV.—

(i.) "Lord Lieutenant" means the Lord Lieutenant or other chief governor or governors of Ireland for the time being:

(ii.) "Chief Secretary" means the Chief Secretary for the time being to the Lord Lieutenant; and any power under this Part vested in the Chief Secretary, except as a Privy Councillor, may in his absence be exercised by the Under Secretary for the time being to the Lord Lieutenant:

(iii.) "Net annual value of property" means the net annual value of property rateable to the relief of the poor according to the valuation in force for the time being:

(iv.) "Union funds" means any money in the hands of the treasurer of a poor law union to the credit of the guardians of the union, and if at any time the assets in the treasurer's hands are not sufficient for any purpose of this Part, then union funds shall be taken to include the monies next received by the treasurer and placed to the credit of the guardians.

Lord Lieutenant and Privy Council.

Powers of Lord Lieutenant and Privy Council.

77.—(1.) The powers by Part II. conferred on the Privy Council shall be vested in the Lord Lieutenant acting by the advice of Her Majesty's Privy Council in Ireland, in this Act referred to as the Lord Lieutenant and Privy Council.

(2.) The powers exerciseable under Part II. by the Lord President of the Council, or one of Her Majesty's Principal

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Secretaries of State, may, in Ireland, be exercised by the Lord Lieutenant, or by the Chief Secretary as a Privy Councillor.

(3.) An order of the Lord Lieutenant and Privy Council under this Part is referred to therein as an Order in Council.

(4.) Subject to the provisions of this Part, the provisions of Part II. relating to the Privy Council, and to Orders of Council, shall apply to the Lord Lieutenant and Privy Council, and to Orders in Council.

Communication of Orders from and to Ireland.

78. In order to secure uniformity of action, every Order in Council and every Order of Council made under this Act shall, with all practicable speed, be communicated to the Privy Council, or to the Lord Lieutenant and Privy Council, as the case may be.

Local Authorities.

Constitution of local authorities; lands and borrowing.

79.—(1.) The local authorities shall be the boards of guardians of the several poor law unions.

(2.) The provisions of Part II. relating to the purchase of land by local authorities shall have effect as if instead of section one hundred and seventy-six of the Public Health Act, 1875, there were thereby applied section two hundred and three of the Public Health Ireland Act, 1878: and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may acquire land.

38 & 39 Vict. c. 55.

41 & 42 Vict. c. 52.

(3.) The provisions of Part II. relating to borrowing by local authorities shall have effect as if sections two hundred and thirty-seven to two hundred and forty-six, both inclusive, of the Public Health (Ireland) Act, 1878, were thereby applied instead of the Local Loans Act, 1875, and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may borrow, and as if the Commissioners of Public Works in Ireland were substituted for the Public Works Loan Commissioners.

41 & 42 Vict. c. 52.

38 & 39 Vict. c. 83.

Provisions respecting officers of local authorities.

80. The Lord Lieutenant and Privy Council may from time to time make such Orders in Council as to them seem fit,—

(i.) For defining the numbers, qualifications, and powers of inspectors and valuers, and other officers of local authorities, and the terms and conditions of their appointment, and regulating their duties:

(ii.) For fixing the periods for which they shall be appointed, and their remuneration and allowances.

Inspectors.

Qualifications and powers of inspectors.

81.—(1.) The provisions of Part II. requiring local authorities to keep appointed veterinary inspectors shall not extend to Ireland; and the powers and duties by Part II. conferred and imposed on a veterinary inspector shall in Ireland be vested in and discharged by an inspector; but where a person appointed to be an inspector in Ireland has the qualification of a veterinary inspector under this Act, he may be styled a veterinary inspector.

(2.) The Lord Lieutenant and Privy Council may from time to time make such Orders in Council as to them seem fit for uniting two or more poor law unions into a district for the purposes of inspection, and for authorising or directing the local authorities of those unions to appoint and keep appointed a veterinary inspector for the united district, and for regulating the mode of appointing such inspector, and the amount of his remuneration, and the mode in which the several unions shall contribute thereto; or the Lord Lieutenant may, if he thinks fit, appoint a veterinary inspector for the united district, on such terms and conditions with reference to contribution by the several unions towards the travelling expenses and allowances of the inspector as the Lord Lieutenant thinks fit.

(3.) An inspector appointed by the Lord Lieutenant shall have, throughout Ireland, or that part thereof for which he is appointed, all the powers by Part II. conferred on a Veterinary Inspector of the Privy Council.

Expenses of Local Authorities.

Expenses out of union funds.

82. The remuneration and allowances of an inspector or valuer of a local authority, and all money payable as compensation for animals slaughtered by direction of a local authority, shall when due be paid by the treasurer of the union out of union funds.

General Cattle Diseases Fund.

Constitution of fund.

83.—(1.) There shall be a General Cattle Diseases Fund for purposes of this Part.

(2.) Any money at the commencement of this Act standing at the Bank of Ireland to the credit of the Cattle Plague Account shall be transferred to the account of the General Cattle Diseases Fund; and that money shall in the first

A.D. 1878 instance constitute that fund, as if it had been raised under this Act.

(3.) The Chief Secretary may from time to time, as and when he thinks fit, certify to the effect that a sum equivalent to a certain poundage on the net annual value of the property in all the unions is required for the purposes of this Act.

(4.) Thereupon the Local Government Board shall by order under their seal assess that sum on the several unions in proportion to the net annual value of the property therein.

(5.) They shall send copies of the order to the guardians and to the treasurer of each union.

(6.) Thereupon the treasurer of each union shall out of union funds pay over the amount assessed on the union to the Bank of Ireland, to be placed to the General Cattle Diseases Fund.

(7.) The guardians of each union shall debit the several electoral divisions with proportions of that sum, according to the net annual value of the property therein.

(8.) No larger sum shall be levied under this Act at any one time than shall be equivalent to a poundage of one halfpenny in the pound on the net annual value of the property in all the unions; nor shall any larger sum be levied under this Act in the whole than shall be equivalent, taken with any money before the commencement of this Act carried to the cattle plague account, to a poundage of fourpence in the pound on the net annual value of the property in all the unions.

(9.) On receipt of a certificate of the Chief Secretary to the effect that any part of the sum standing to the General Cattle Diseases Fund is not required for purposes of that fund, the Local Government Board shall by order under their seal assign the proportions returnable to the several unions, according to the net annual value of the property therein; and the Bank of Ireland shall, on a direction to that effect from the Chief Secretary, remit the sum so assigned to the treasurers of the unions: and the guardians of each union shall, on receipt of that sum, credit the several electoral divisions with proportions of that sum according to the net annual value of the property therein.

Application of fund.

84.—(1.) The treasurer of a union, on proof to the Chief Secretary of the payment by a local authority of any money for remuneration, expenses, allowances, or compensation, in accordance with this Part, shall be entitled to a certificate to that effect, and to an order by the Chief Secretary for payment from the General Cattle Diseases Fund of one half of the money so proved to have been paid, subject, in the case

of compensation, to all proper deductions for money received by the local authority in respect of animals slaughtered; and the amount so ordered shall be paid to the treasurer accordingly for the union.

(2.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation was paid by the treasurer of a union was, within seven days immediately before its slaughter, brought into that union solely for the purpose of being shipped out of Ireland from a port in that union within those seven days, or of being sold at a fair to be held in that union within those seven days, and that neither the owner nor the person in charge thereof had been guilty, in relation to it, of any offence against this Act, then the Chief Secretary shall order payment to the treasurer in manner aforesaid of the whole of the money paid in compensation in respect of that animal.

(3.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation was paid by a local authority ought not to have been slaughtered, the Chief Secretary may, notwithstanding anything in this section, withhold his order for payment out of the General Cattle Diseases Fund of any money in respect of that animal.

(4.) All expenses incurred by or on behalf of the Lord Lieutenant and Privy Council in the execution of this Part, and not otherwise provided for by this Act, shall be defrayed out of the General Cattle Diseases Fund.

General.

Application of provisions respecting police.

85. The provisions of Part II. relating to the police and to constables shall apply to the members of the Royal Irish Constabulary Force or of the Dublin Metropolitan Police Force.

Recovery of penalties and summary proceedings.

86.—(1.) Proceedings for recovery of penalties for offences against this Act (other than penalties recoverable under the Customs Acts), and proceedings for recovery of expenses by this Act or an Order in Council directed to be recoverable summarily, and proceedings for obtaining summary orders under this Act or an Order in Council, may be taken in a summary manner, according to the provisions of the Summary Jurisdiction Acts, that is, as regards the police district of Dublin Metropolis, the Acts regulating the powers and duties of justices for that district, and as regards other parts of Ireland the Petty Sessions (Ireland) Act, 1851, and any Act affecting or amending the same.

14 & 15 Vict. c. 93.

(2.) The provisions of those Summary Jurisdiction Acts

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(3.) For the purposes of this Act a court of summary jurisdiction may consist of one or more justices.

(4.) Penalties so recovered shall be applied as follows; that is to say, a part thereof not exceeding one third may be awarded to the informer, and the rest shall be awarded to the Crown, to be applied in aid of the General Cattle Diseases Fund.

Publication and proof of Orders in Council.

87.—(1.) The Dublin Gazette shall be substituted for the London Gazette.

(2.) A copy of the Dublin Gazette purporting to be printed by the Queen's authority shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of any order appearing therein and purporting to be an Order in Council.

(3.) An Order in Council may also be proved by the production of an instrument purporting to be certified to be a true copy thereof by the Clerk of Her Majesty's Privy Council in Ireland, or the person for the time being acting as such; and that instrument shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of the order.

Provision for expenses of Veterinary Department.

88. The Lord Lieutenant, with the approval of the Treasury, may fix the salaries and allowances of the officers and persons acting in execution of this Act in or under the Veterinary Department of Her Majesty's Privy Council Office; and the same, and all charges and expenses incurred in the maintenance and management of that department, shall be paid out of money provided by Parliament.

SCHEDULES.

THE FIRST SCHEDULE.

(Section 4.)

ENACTMENTS REPEALED.

	I.—ENGLAND AND SCOTLAND.
32 & 33 Vict. c. 70. [9 August 1869] in part.	The Contagious Diseases (Animals) Act, 1869 : Except— (i.) Paragraphs 2, 3, and 4 of section 28 (local), relating to the markets of the mayor, aldermen, and commons of the City of London, with the Fifth Schedule, referred to in that section. (ii.) Sections 100 and 101 (transitory), relating to money borrowed by local authorities before the passing of that Act.
	II.—SCOTLAND.
38 & 39 Vict. c. 75. [11 August 1875.]	An Act to amend the Contagious Diseases (Animals) Act, 1869.
	III.—IRELAND.
11 & 12 Vict. c. 105. [4 September 1848.]	An Act to prohibit the importation of sheep, cattle, or other animals, for the purpose of preventing the introduction of contagious or infectious disorders.
11 & 12 Vict. c. 107. [4 September 1848.]	An Act to prevent, until the first day of September, one thousand eight hundred and fifty, and to the end of the then session of Parliament, the spreading of contagious or infectious disorders among sheep, cattle, and other animals.
16 & 17 Vict. c. 62. [4 August 1853.]	An Act to extend and continue an Act of the twelfth year of Her present Majesty, to prevent the spreading of contagious or infectious disorders among sheep, cattle, and other animals.
29 & 30 Vict. c. 4. [6 March 1866.]	The Cattle Disease Act (Ireland), 1866.
33 & 34 Vict. c. 36. [1 August 1870.]	The Cattle Disease (Ireland) Amendment Act, 1870.
35 & 36 Vict. c. 16. [27 June 1872.]	The Cattle Disease (Ireland) Amendment Act, 1872.
37 & 38 Vict. c. 6. [21 May 1874.]	The Cattle Disease (Ireland) Acts Amendment Act, 1874.
39 & 40 Vict. c. 51. [11 August 1876.]	The Cattle Disease (Ireland) Act, 1876.

THE SECOND SCHEDULE.

(Sections 7 and 9.)

Local Authorities in England.

District.	Local Authority.	Local Rate.	Clerk of Local Authority.
I.—Counties, except within the metropolis.	The justices in general or quarter sessions assembled.	The county rate, or rate in the nature of a county rate.	The clerk of the peace.
II.—The City of London and the liberties thereof.	The Corporation of London.	The consolidated rate.	The town clerk.
III.—The metropolis, except the City of London and the liberties thereof.	The Metropolitan Board of Works.	The metropolitan consolidated rate.	The clerk of the Metropolitan Board of Works.
IV.—Boroughs subject to the Municipal Corporation Act, 1835.	The mayor, aldermen, and burgesses acting by the Council.	The borough rate, with the borough fund.	The town clerk.
V.—Other boroughs	The commissioners or other body maintaining the police therein.	The rate applicable by the commissioners or other body to the maintenance of the police.	The clerk of the commissioners or other body.
VI.—The district of the local board of Oxford.	The local board.	The rate leviable by the local board.	The clerk of the local board.

THE THIRD SCHEDULE.

(Section 19.)

Pleuro-Pneumonia.

1. Cattle are not to be moved into or out of a place infected with pleuro-pneumonia, except where, as regards movement into such a place, the cattle are affected with pleuro-pneumonia, and except in such other cases as the Privy Council think fit from time to time by general Order to except.

2. In the cases so excepted by Order cattle may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.

3. Cattle may be moved into, in, or out of such parts of an area infected with pleuro-pneumonia as are not comprised in a place infected with pleuro-pneumonia, by licence of the local authority, granted on conditions prescribed by general Order of Council, and not otherwise.

4. Nothing in this Schedule restricts movement of cattle in a place infected with pleuro-pneumonia.

THE FOURTH SCHEDULE.

(Section 25.)

Foot-and-Mouth Disease.

1. Animals are not to be moved into or out of a place infected with foot-and-mouth disease, except where, as regards movement into such a place, the animals are affected with foot-and-mouth disease, and except in such other cases as the Privy Council think fit from time to time by general Order to except.

2. In the cases so excepted by Order animals may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.

3. Animals may be moved into, in, or out of such parts of an area infected with foot-and-mouth disease as are not comprised in a place infected with foot-and-mouth disease, by licence of the local authority, granted on conditions prescribed by Order of Council, and not otherwise.

4. Nothing in this Schedule restricts movement of animals in a place infected with foot-and-mouth disease.

THE FIFTH SCHEDULE.

(Section 35.)

Foreign Animals.

I.—*Slaughter at Port of Landing.*

1. Foreign animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals wharf.

2. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct.

3. They are not to be moved alive out of the wharf.

II.—*Quarantine.*

4. The foregoing provisions of this Schedule (under the head of Slaughter at Port of Landing) do not apply to animals intended for exhibition or for other exceptional purposes; and in lieu thereof the subsequent provisions of this Schedule (under the head of Quarantine) apply to those animals.

5. Those animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals quarantine station.

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6. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct, and subject to such conditions in respect of the animals, or of the vessel from which they are landed, as the Privy Council from time to time by general Order prescribe.

7. When landed they are to be placed in sheds or other receptacles in the quarantine station, prepared by the local authority or the owners of the quarantine station, or the consignees of animals or other persons, and approved by the Privy Council.

8. Any such animal is not to be moved out of the quarantine station except on conditions prescribed by general or special Order of Council.

9. Notwithstanding anything in the foregoing provisions of this Schedule (under the head of Quarantine), the provisions of this Act relating to slaughter in case of the existence of disease, and to compensation or other payment in respect of animals so slaughtered, and to the ownership of carcases of such animals, shall apply to animals in a foreign animals quarantine station.

III.—*Channel Islands and Isle of Man.*

10. In relation to animals brought from the Channel Islands or the Isle of Man, the Privy Council may from time to time, if they think fit, by general or special Order or by licence, alter or add to the provisions of this Schedule relating to slaughter or to quarantine, as the case may require.

IV.—*Other Foreign Countries.*

11. In relation to foreign animals other than those brought from the Channel Islands and the Isle of Man, if and as long as, from time to time, the Privy Council are satisfied, with respect to any foreign country, that the laws thereof relating to the importation and exportation of animals, and to the prevention of the introduction or spreading of disease, and the general sanitary condition of animals therein, are such as to afford reasonable security against the importation therefrom of diseased animals, then, from time to time, the Privy Council, by general or special Order, shall allow animals, or any specified kind of animals, brought from that country, to be landed, without being subject, under the provisions of this Schedule, to slaughter or to quarantine, and may for that purpose alter or add to those provisions, as the case may require;

but every such order shall forthwith, after the making thereof, if Parliament is then sitting, and if not, then forthwith after the next meeting of Parliament, be laid before both Houses of Parliament. A.D. 1878

THE SIXTH SCHEDULE.

Committees of Local Authorities.

(Section 38.)

1. Each local authority shall form and keep up a committee or committees, and may appoint the number of members by whom the powers of a committee may be exercised, and may at any time add to or diminish the number of the members of a committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another committee or committees, and lay down rules for the guidance of a committee, who shall act accordingly.

2. Each committee may consist wholly of members of the local authority, or partly thereof, and partly of other persons, being rated occupiers in the district of the local authority, and otherwise qualified as the local authority think fit.

3. A local authority may delegate all or any of their powers, except the power to make a rate, to a committee, with or without conditions or restrictions.

4. A local authority may revoke or alter any power given by them to a committee.

5. A local authority may, if they think fit, appoint and designate one committee as their executive committee.

6. An executive committee shall have all the powers of the local authority, except the power to make a rate, and may, if they think fit, appoint a sub-committee or sub-committees, and delegate to them all or any of the powers of the executive committee, with or without conditions or restrictions, and from time to time revoke or alter any such delegation, and appoint the number of members by whom the powers of a sub-committee may be exercised, and add to or diminish the number of the members of a sub-committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another sub-committee or other sub-committees, and lay down rules for the guidance of a sub-committee, who shall act accordingly.

7. Proceedings of a committee or sub-committee shall not be invalidated by any vacancy in the committee or sub-com-

A.D. 1878 mittee, or, in the case of a committee appointed by the local authority for a county, by the termination of the session at which they were appointed.

8. In case of the formation of two or more committees, they shall act according to rules laid down for their guidance by the local authority.

9. A committee, and a sub-committee of an executive committee may elect a chairman of their meetings.

10. If no chairman is elected, or if the chairman so elected is not present at the time appointed for a meeting, the members then present shall choose a chairman for that meeting.

11. A committee or sub-committee may meet and adjourn as they think proper.

12. Every question at a meeting of a committee or sub-committee shall be determined by a majority of the votes of the members, including the chairman, present and voting on the question; and in case of equal division, the chairman shall have a second vote.

THE SEVENTH SCHEDULE.

(Section 68.)

Local Authorities in Scotland.

District.	Local Authority.	Local Rate.	Clerk of Local authority.
I.—Counties, including any town or place which does not return, or contribute to return, a member to Parliament.	The Persons appointed as provided in Part III.	Rate appointed to be levied in Part III.	The clerk of supply.
II.—Burghs which return, or contribute to return, a member to Parliament.	The magistrates and town council.		The town clerk.

1. In and for purposes of this Schedule and Part III. "county" does not include county of a city.

2. For purposes of Part III. the burgh of Maxwelltown is part, not of the parliamentary burgh of Dumfries, but of the stewartry of Kirkcudbright.

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CHAPTER 75.

An Act to amend the Law in respect to the Polling District of Arranmore (Ireland).—[16*th August* 1878.]

TELEGRAPH ACT, 1878.

[41 & 42 Vict. Ch. 76.]

ARRANGEMENT OF SECTIONS.

Section.
1. Short title.
2. Definitions.
3. Amendment of 26 & 27 Vict. c. 112 as to consents.
4. Differences relating to a street or public road to be determined by stipendiary magistrate, county court judge, or sheriff.
5. General provisions as to arbitration.
6. Power of Postmaster General to establish telegraphic lines on certain undertakings authorised by special Act of Parliament.
7. Provision as to work done in pursuance of special Acts of Parliament which involves alteration in telegraphic line.
8. Compensation and fine for injury to telegraphic line of the Postmaster General, and for interruption to telegraphic communication.
9. Penalty for obstruction.
10. Prosecution of offences.
11. Provision as to Postmaster General.
12. Printing, authentication, and service of notices and other documents.
13. Saving existing rights.
14. Saving rights of trustees of Bridgewater Canal.
SCHEDULE.

CHAPTER 76.

An Act to make further provision respecting the Post Office Telegraphs.—[16*th August* 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Telegraph Act, 1878. Short title.

2. In the construction of this Act, unless there is something inconsistent in the context, words and expressions shall have the same meanings as in the Telegraph Act, 1863, and in addition thereto— Definitions.

A.D. 1878

The expressions "street" and "public road" shall respectively include any highway:

The expression "Act of Parliament" means any Act of Parliament whether public general, local and personal, or private, and includes the order confirmed by any such Act, and includes a certificate granted by the Board of Trade under the Railways Construction Facilities Act, 1864:

26 & 27 Vict. c. 112.

29 & 30 Vict. c. 3. 31 & 32 Vict. c. 110. 32 & 33 Vict. c. 73. 33 & 34 Vict. c. 88.

The expression "Telegraph Acts" includes the Telegraph Act, 1863, the Telegraph Act Amendment Act, 1866, the Telegraph Act, 1868, the Telegraph Act, 1869, the Telegraph Act, 1870, this Act and any Acts or parts of Acts incorporated with such Acts or referred to therein, any or either of them, and such several Acts may be cited together as the Telegraph Acts, 1863 to 1878:

The expression "undertaking" means the works or undertaking of whatever nature the execution of which is authorised by an Act of Parliament as above defined:

The expression "undertakers" means the parties, whether company, commissioners, trustees, corporations, or private persons, empowered by an Act of Parliament as above defined to execute an undertaking, and any lessee or tenant thereof:

The expression "agents" includes contractors, and also the officers, engineers, workmen, or servants, as well of the Postmaster General, undertakers, bodies, or persons, as of his or their contractors:

The expression "telegraphic line" means telegraphs, posts, and any work (within the meaning of the Telegraph Act, 1863) and also any cables, apparatus, pneumatic or other tube, pipe, or thing whatsoever used for the purpose of transmitting telegraphic messages or maintaining telegraphic communication, and includes any portion of a telegraphic line as defined by this Act:

The expressions "alteration," "alter," and "altering" in respect of a telegraphic line, include the substitution of any new line, or portion of a line, either in the same place or in some other place, also any removal of or other dealing with any telegraphic line or any part of such line.

Amendment of 26 & 27 Vict. c. 112. as to consents.

3. Where any body or person (within the meaning of the Telegraph Act, 1863,) having power under the said Act to give or withhold their consent to the Postmaster General placing telegraphs and posts (within the meaning of the said Act) in, under, upon, along, over, or across a street or public road, or any estuary or branch of the sea, or the shore or bed

of any tidal water, or where any proprietors, lessees, directors, or persons having the control of any railway or canal (within the meaning of the said Act), and having power under the said Act to give or withhold a consent to the Postmaster General placing telegraphs and posts under, in, upon, along, or across such railway or canal, fail within twenty-one days after being required to do so by the Postmaster General to give their consent, or attach to their consent any terms, conditions, or stipulations to which the Postmaster General objects, or withdraw a consent, a difference shall be deemed to have arisen between the Postmaster General and such body or person, proprietors, lessees, directors, or persons (as the case may be), and that difference shall be determined in manner herein-after provided, and the authority by whom the difference is to be determined may, if after hearing all parties concerned they think it just, give their consent either unconditionally or subject to such pecuniary or other terms, conditions, and stipulations as they may think just; and that consent shall for all purposes be of the same effect as if it were a consent given under the Telegraph Act, 1863, to the Postmaster General by such body or person, proprietors, lessees, directors, or persons. A.D. 1878

Differences relating to a street or public road to be determined by stipendiary magistrate, county court judge, or sheriff.

4. Where any difference arises under this Act or the Telegraph Act, 1863, between the Postmaster General and any body or person having any power, jurisdiction, or control over or relating to a street or public road, or having power under the last-mentioned Act to give or withhold a consent to the placing of telegraphs and posts in, under, upon, along, or across a street or public road, such difference shall in England or Wales and Ireland be referred to the police or stipendiary magistrate having jurisdiction within the district in which the difference has arisen, or if there be no such magistrate, then to the judge of the county court having jurisdiction within such district, and in Scotland to the sheriff, and such magistrate, judge, and sheriff are respectively empowered and required to hear and determine such difference, and sections thirty to thirty-three, both inclusive, of the Regulation of Railways Act, 1868, shall apply to every difference so referred to such magistrate, judge, or sheriff (as the case may be) in like manner as if he were an arbitrator appointed pursuant to those sections, and as if the Postmaster General, body, or person between whom the difference has arisen were companies within the meaning of those sections.

31 & 32 Vict. c. 119.

Provided always, that in case either the Postmaster General or the body or person between whom the difference has arisen

A.D. 1878 shall be dissatisfied with the award or decision of such magistrate, judge, or sheriff, the party so dissatisfied may within twenty-one days after such award or decision require, by a notice in writing given to the other party, that the difference shall be referred to the Railway Commissioners.

General provisions as to arbitration.

5. The differences so required to be referred by the last preceding section to the Railway Commissioners and all other differences under this Act, except a difference between the Postmaster General and any body or person having any right, power, jurisdiction, or control in, over, or relating to any estuary or branch of the sea or the shore or bed of any tidal water, shall be referred to and shall be determined by the Railway Commissioners for the time being: and every difference referred to them under this Act shall be conducted by the Railway Commissioners in the same manner as any other proceeding is conducted by them under the Acts relating to those Commissioners; and it shall be the duty of the Railway Commissioners, and they are hereby empowered, to undertake and determine any difference referred to them under this Act; and any difference between the Postmaster General and any body or person having any right of property or other right, or any power, jurisdiction, or authority in, over, or relating to any estuary, branch of the sea, or the shore or bed of any tidal water shall be referred to and determined by the Board of Trade.

In the event of the Railway Commissioners ceasing to hold office, all differences directed under this Act to be determined by them shall be determined by the Board of Trade, and sections thirty to thirty-three, both inclusive, of the Regulation of Railways Act, 1868, shall apply to every difference to be determined under this Act by the Board of Trade, in like manner as if the Postmaster General, undertakers, body, or person between whom that difference has arisen were companies within the meaning of those sections.

31 & 32 Vict. c. 119.

Power of Postmaster General to establish telegraphic lines on certain undertakings authorised by special Act of Parliament.

6. Where an Act of Parliament passed after the first day of January one thousand eight hundred and seventy-eight authorises the construction of any of the following undertakings, namely, any railway, canal, tramway other than street tramways, highway, bridge, railway or river embankment, subway, aqueduct over or across a river, dock, harbour, or pier, it shall be lawful for the Postmaster General, by himself or his agents, to place and maintain telegraphic lines in, under, upon, along, over, or across such undertaking, and from time to time to alter the same, and he may from time to time, by himself or his agents, enter upon any land or works of the undertakers for the purpose of placing, maintaining, or alter-

ing any telegraphic line in pursuance of this section, or of examining or repairing any line so placed, and may there remain for such reasonable time, and execute and do all such works and things, as may be necessary or convenient for the purposes aforesaid, but shall not interfere with the traffic along or user of the undertaking, subject to the following conditions: A.D. 1878

(1.) In placing, maintaining, or altering such telegraphic lines no obstruction shall be caused to the traffic along or the user of such undertaking:

(2.) The Postmaster General shall, not less than one month before he places any telegraphic line, give to the undertakers a notice specifying the course and position of the proposed telegraphic lines, and if within one month after such notice the undertakers object to the course or position specified in the notice, and do not agree with the Postmaster General on some other course or position, a difference shall be deemed to have arisen between the Postmaster General and the undertakers:

(3.) If any damage or injury be caused or any stoppage or delay be occasioned to the works of the undertaking by the placing, repair, or maintenance of such telegraphic lines, the Postmaster General shall at his own expense make good such damage or injury, and shall indemnify the undertakers against any expense to which they may be put by reason of any such damage, injury, stoppage, or delay:

(4.) If the undertakers shall incur any additional expense by or in consequence of the repair or maintenance of such telegraphic lines, the Postmaster General shall from time to time pay to the undertakers the amount of such additional expense.

This section shall apply to the several railways over which powers were conferred upon the Postmaster General by the Local Acts mentioned in the schedule to this Act, and to the undertakers empowered by such Local Acts respectively.

Provided that so far as relates to any railways belonging to or leased or worked by any of the railway companies mentioned in section nine, or in the schedule of the Telegraph Act, 1868, the powers of constructing, altering, or maintaining telegraphic lines by the Postmaster General shall not be exercised if and so long as the said companies respectively are able and willing themselves to construct, alter, and maintain such telegraphic lines, and such construction, maintenance, and repair shall be upon the terms and conditions in

A.D. 1878 the said Act or the agreements thereunder declared: Provided also, that this section shall not affect any agreement between any undertakers and the Postmaster General.

If any difference arises between the Postmaster General and any undertakers in relation to the exercise of any power under this section, that difference shall be determined in manner provided by this Act.

Provision as to work done in pursuance of special Acts of Parliament which involves alteration in telegraphic line.

7. Where any work proposed to be done in the execution of an undertaking authorised by an Act of Parliament involves or is likely to involve an alteration either temporarily or permanently in any telegraphic line of the Postmaster General, and provision is not otherwise made by enactment, agreement, or otherwise with respect to such alteration or to giving notice to the Postmaster General thereof or to the expenses of or incidental thereto, the following enactments shall apply:

(1.) The undertakers or their agents shall give to the Postmaster General not less than seven nor more than fourteen days previous notice of the time and place at which the work will be begun and the nature of the alteration required:

(2.) Before the expiration of seven days after the notice is given the Postmaster General may give the undertakers or their agents a counter-notice either stating his intention himself to make, or requiring the undertakers to make under the supervision and to the satisfaction of himself or his agents, such alteration in the telegraphic line as he deems necessary or expedient to be made in consequence of the proposed work:

(3.) If the Postmaster General by his counter-notice states that it is his intention himself to make such alteration, it shall be lawful for such Postmaster General by himself or his agents to make the same, and the undertakers or their agents shall pay to the Postmaster General all the expenses incurred by him of and incidental thereto, and the amount of any loss or damage sustained by him in consequence thereof:

(4.) If the Postmaster General by his counter-notice requires the undertakers or their agents to make such alteration, the undertakers or their agents shall, at their own expense, make the same under the supervision and to the reasonable satisfaction of the Postmaster General or his agents, and the said undertakers shall pay to the Postmaster General all the expenses incurred by him of and incidental to such

supervision, also the amount of any loss or damage sustained by him in consequence of the alteration: A.D. 1878

(5.) If the Postmaster General fails to give a counter-notice, or if having undertaken himself to make the alteration he or his agents should fail to make within a reasonable time the alteration, the undertakers or their agents may themselves make the alteration to the reasonable satisfaction of the Postmaster General or his agents:

(6.) If any undertakers or their agents fail to serve on the Postmaster General such notice as is required by this section with respect to any work, or begin to do the work specified in a notice served under this section before the expiration of seven days after the notice is given, they shall be liable to pay a fine not exceeding ten pounds for every day during which they continue such work without the sanction in writing of the Postmaster General, and the Postmaster General may at the expense of the undertakers remove such work:

(7.) If any undertakers or their agents fail to comply with the reasonable requirements of the Postmaster General or his agents under this section, they shall be liable to a fine not exceeding ten pounds for every day during which such failure continues, or if the telegraphic communication is interrupted, not exceeding fifty pounds for every day on which such interruption continues:

(8.) Provided that nothing in this section shall subject any undertakers or their agents to a fine for omitting to comply with any requirements of the Postmaster General or his agents, or for executing without previous notice any work if they satisfy the court having cognizance of the case that any such requirement was unreasonable or that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice:

And where under section eight of the Telegraph Act, 1863, any body to or by whom any such pipe as in that section mentioned belongs or is used require that the position of any telegraphic line of the Postmaster General or any part thereof

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should be altered, the enactments of the present section shall apply, and for such purposes any such body shall be deemed to be "undertakers."

Compensation and fine for injury to telegraphic line of the Postmaster General and for interruption to telegraphic communication.

8. Where any undertakers, body, or person, by themselves or by their agents, destroy or injure any telegraphic line of the Postmaster General, such undertakers, body, or person shall not only be liable to pay to the Postmaster General such expenses (if any) as he may incur in making good the said destruction or injury, but also, if the telegraphic communication is carelessly or wilfully interrupted, shall be liable to a fine not exceeding twenty pounds per day for every day during which such interruption continues.

Where the undertakers, body, or person liable to pay such daily fine as aforesaid to the Postmaster General are not authorised to execute such works as may be required for remedying the interruption, the interruption shall be deemed to continue either for the time during which it actually continues or for such less time as in the opinion of the court having cognizance of the case would have been sufficient for remedying the interruption by the Postmaster General.

The Postmaster General may, instead of taking proceedings for the recovery of such daily fine as aforesaid, proceed for the recovery of a fine not exceeding fifty pounds, to which the undertakers, body, or person shall be liable on summary conviction.

An act done to a telegraphic line in the course of work undertaken by any undertakers, body, or person in the legal exercise of a right shall not be deemed to be wilful destruction of or injury to such telegraphic line, if due notice of the intended exercise of such right has been given to the Postmaster General, that is to say, the notice required to be given in pursuance of any Act of Parliament or agreement, or where there is no Act of Parliament or agreement requiring such notice, fourteen clear days notice.

This section shall be deemed to be in addition to and not in derogation of any other power or means which the Postmaster General may have of recovering damages in respect of any such destruction or injury as in this section mentioned under any other Act of Parliament or at common law or otherwise, provided that he shall not proceed under this Act and under any other Act or law in respect of the same destruction or injury.

Penalty for obstruction.

9. Where any undertakers, body, or person or their agents obstruct the Postmaster General or his agents in placing, maintaining, altering, examining, or repairing any telegraphic line in pursuance of this Act, or of any consent given in pur-

suance of this Act, or in supervising or directing any alteration in any telegraphic line made by any undertakers or their agents in pursuance of this Act, such undertakers, bodies, or persons and agents respectively shall for every act of obstruction be liable to a fine not exceeding ten pounds, or in case such obstruction continues, ten pounds for every day during which the same continues. A.D. 1878

Prosecution of offences.

10. All fines and penalties under any of the Telegraph Acts may be recovered by the Postmaster General in manner provided by the Summary Jurisdiction Acts before a court of summary jurisdiction, and for the purposes of this Act—

(1.) The expression "Summary Jurisdiction Acts" means—

as respects England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the "performance of the duties of justices of the peace out "of sessions within England and Wales with respect "to summary convictions and orders," and any Act passed or to be passed amending the same; and

as respects Scotland, the Summary Procedure Act, 1864, and any Act passed or to be passed amending the same; and 27 & 28 Vict. c. 53.

as respects Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act passed or to be passed amending the said Acts, or any of them; and 14 & 15 Vict. c. 93.

(2.) The expression "court of summary jurisdiction" means—

as respects England, any justice of the peace or other magistrate or officer to whom jurisdiction is given by the Summary Jurisdiction Acts, so, however, that any case arising under any of the Telegraph Acts shall be heard and determined either by two or more justices of the peace in petty sessions sitting at a court or other place appointed for holding petty sessions, or by some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace; and

as respects Scotland, means any sheriff or sheriff substitute; and

as respects Ireland, means any justice or justices or other

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magistrate, by whatever name called, having jurisdiction under the Summary Jurisdiction Acts.

All fines and penalties recovered in pursuance of any of the Telegraph Acts shall be paid into the Exchequer.

Provision as to Postmaster General.

11. In the Telegraph Acts the expression "Postmaster General" means Her Majesty's Postmaster General for the time being.

Any legal proceeding may be instituted by the Postmaster General for any of the purposes of any of the Telegraph Acts in the name of Her Majesty's Postmaster General for the time being, and shall not abate or be discontinued by reason of any change in the person who is Postmaster General, but may be carried on as if Her Majesty's Postmaster General for the time being were a body corporate; and where any sum is due or payable to the Postmaster General under any of the Telegraph Acts, or any contract, agreement, or regulations made in pursuance or for any of the purposes of those Acts or any of them, the Postmaster General may recover the same as a debt in any court and in any manner in which it might be recovered if it were a debt due to a private person.

Printing, authentication, and service of notices and other documents.

12. A notice under this Act may be in writing or print, or partly in writing and partly in print.

Any notice, appointment, direction, or document given, issued, or made for the purposes of this Act by the Postmaster General shall be sufficiently authenticated if purporting to be signed by a secretary or assistant secretary of the Post Office, or by a superintending engineer of the Postmaster General, or by an officer appointed for the purpose by the Postmaster General, and when so authenticated shall be deemed to be given, issued, or made by the Postmaster General.

Where a notice is given by any undertakers, body, or person, the notice shall be sufficiently authenticated if purporting to be signed by the chairman, secretary, clerk, or other officer of such undertakers, body, or person.

A notice required to be given under this Act to the Postmaster General may be given by leaving the same at or by forwarding the same by post to the General Post Office in a letter addressed to the Postmaster General or to the Secretary of the Post Office, or to an assistant secretary of the Post Office, or by delivering the same to or forwarding the same by post in a letter addressed to the superintending engineer of the Postmaster General for the district in which is the work, telegraphic line, or other matter referred to in the notice and addressed to him at his office or usual place of abode.

A notice required to be given under this Act to any undertakers or body may be given by leaving the same at or by forwarding the same by post to the office, or where there is more than one office the principal office of such undertakers or body in a letter addressed to such undertakers or body, or to their chairman, secretary, clerk, or other officer. A.D. 1878

A notice required to be given under this Act to any person may be given by delivering the same to such person or by leaving the same at or forwarding the same by post in a letter addressed to such person at his usual or last known place of abode.

Where a notice is forwarded by post it shall be deemed to have been given at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving the giving thereof it shall be sufficient to prove that the same was properly addressed and put into the post.

The expression "notice" in this section shall be deemed to include a counter-notice.

Saving existing rights.

13. Nothing in this Act contained shall vary or prejudicially affect the rights or obligations subsisting at the time of the passing of this Act, of any Railway or Canal Company, or of the Postmaster General respectively, under the provisions of the Telegraph Acts, 1868 and 1869, or under any deed, agreement, or award made between any Railway or Canal Company and the Postmaster General, whether confirmed by or made in pursuance of the Telegraph Acts; and in regard to all railways and canals now existing or authorised, the provisions of the Telegraph Acts, 1868 and 1869, shall not be affected by this Act except that the arbitrators on any difference between the companies and the Postmaster General shall be those provided by this Act: Provided always, that, notwithstanding the incorporation of the Telegraph Act, 1863, with the Telegraph Act, 1868, the provisions of the Telegraph Act, 1863, shall not be deemed to be provisions of the Telegraph Acts, 1868 and 1869, or either of those Acts, within the meaning of this section, or any part thereof.

Saving rights of trustees of Bridgewater Canal.

14. Nothing in this Act shall affect the rights of the trustees or proprietors of the Bridgewater Canal under section eleven of the Telegraph Act, 1868.

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Section 6.

SCHEDULE.

LOCAL ACTS REFERRED TO.

Session and Chapter.	Short Title of Act.
40 & 41 Vict. c. ccxi. .	Abbotsbury Railway Act, 1877.
40 & 41 Vict. c. ccxxvi.	Belfast Central Railway Act, 1877.
40 & 41 Vict. c. ccxiii. .	Birmingham and Lichfield Railway Act, 1877.
40 & 41 Vict. c. clxxxix.	Brighton and Dyke Railway Act, 1877.
40 & 41 Vict. c. clxxiv.	Bromley Direct Railway Act, 1877.
40 & 41 Vict. c. clvii. .	Bury and Tottington District Railway Act, 1877.
40 & 41 Vict. c. ccxiv.	Burry Port and Gwendreath Railway Act, 1877.
40 & 41 Vict. c. clxvi.	Clacton-on-Sea Railway Act, 1877.
40 & 41 Vict. c. clx. .	Cranbrook and Paddock Wood Railway Act, 1877.
40 & 41 Vict. c. cxii. .	Derry Central Railway Act, 1877.
40 & 41 Vict. c. ccxxxi.	Dover and Deal Railway Act, 1877.
40 & 41 Vict. c. clvi. .	East London Railway Act, 1877.
40 & 41 Vict. c. ccxv. .	Glencairn Railway Act, 1877.
40 & 41 Vict. c. clxxvii.	Golden Valley Railway Act, 1877.
40 & 41 Vict. c. ccxviii.	Lewes and East Grinstead Railway Act, 1877.
40 & 41 Vict. c. clxxix.	Limerick and Kerry Railway Act, 1877.
40 & 41 Vict. c. clxxx.	Loose Valley Railway Act, 1877.
40 & 41 Vict. c. ccxx. .	Mersey Railway Act, 1877.
40 & 41 Vict. c. ccxxxiii.	Metropolitan District Railway Act, 1877.
40 & 41 Vict. c. cxcvii.	Penarth, Sully, and Barry Railway Act, 1877.
40 & 41 Vict. c. cxlviii.	Severn Bridge Railway Act, 1877.
40 & 41 Vict. c. cxliv. .	Usk and Towy Railway Act, 1877.
40 & 41 Vict. c. ccxxv.	Welshpool and Llanfair Railway Act, 1877.
40 & 41 Vict. c. clxxxv.	Whitland and Taf Vale Railway Act, 1877.
40 & 41 Vict. c. cxcix. .	Whitland, Cronware, and Pendine Railway Act, 1877.

CHAPTER 77.

An Act to amend the Law relating to Highways in England and the Acts relating to Locomotives on Roads; and for other purposes.—[16*th August* 1878.]

EDUCATION (SCOTLAND) ACT, 1878.

A.D. 1878

[41 & 42 Vict. Ch. 78.]

ARRANGEMENT OF SECTIONS.

Section.
1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Construction of Act.
5. Regulation as to employment of child under 10, and certificate of knowledge being condition of employment of child over 10.
6. Restriction on casual employment of children.
7. Exception to prohibition of employment of children.
8. Penalty for employing a child in contravention of Act.
9. Definition of employment in case of parent.
10. Enforcement of Act by school board or by inspectors of factories, &c.
11. Certificates of birth for purposes of Acts.
12. Power of officer of school board to enter place of employment.
13. Exemption of employer on proof of guilt of some other person.
14. Temporary modification as to application of Act.
15. Resignation of member of school board, and supplying vacancy.
16. Disqualification of member of school board for non-attendance.
17. Proceedings where quorum fails by death, &c.
18. Expenses of higher class school buildings may be paid out of school fund and charged on rates.
19. Examination of higher class schools.
20. Examination of higher class schools under management of school boards.
21. Office under board to disqualify from being member of school board.
22. Procedure where parochial board refuse to pay school fees.
23. Mode of procedure and expenses of prosecutions.
24. Removal of doubt as to right of certain schoolmasters to the franchise.
25. School board to have access to valuation roll free of charge.
26. Amendment of 35 & 36 Vict. c. 62. sch. B.
27. Effect of schedules.
28. Amendment of clause 70 of principal Act.
29. Union of school board.
30. Extension of burghs for municipal purposes not to alter school board areas unless otherwise ordered by Scotch Education Department.
31. Compulsory purchase of sites. Regulations as to the purchase of land compulsorily. Publication of notices. Service of notices. Petition to Education Department. No order valid until confirmed by Parliament. Costs how to be defrayed.
32. Parochial board to pay over school rate without deduction.

SCHEDULE.

A.D. 1878

CHAPTER 78.

An Act to further amend the provisions of the Law of Scotland on the subject of Education, and for other purposes connected therewith.—[16*th August* 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 35 & 36 Vict. c. 62.

1. This Act may be cited as the Education (Scotland) Act, 1878, and this Act and the Education (Scotland) Act, 1872, (in this Act referred to as the principal Act,) may be cited together as the Education (Scotland) Acts, 1872 and 1878.

Extent of Act.

2. This Act shall extend to Scotland only.

Commencement of Act.

3. This Act shall, except in so far as herein-after provided, come into operation on the first day of October one thousand eight hundred and seventy-eight (which day is in this Act referred to as the commencement of this Act).

Construction of Act.

4. This Act shall be construed as one with the principal Act, and the expression "this Act" in the principal Act shall be construed to include this Act.

Regulation as to employment of child under 10, and certificate of knowledge being condition of employment of child over 10.

5. A person shall not, after the commencement of this Act, take into his employment (except as herein-after in this Act mentioned) any child—

(1.) Who is under the age of ten years; or

(2.) Who, being of the age of ten years, and not more than fourteen years, has not obtained a certificate of ability to read and write, and of a knowledge of elementary arithmetic in terms of section seventy-three of the principal Act, unless such child being of the age of ten years or upwards is employed and is attending school in accordance with the provisions of any Act of Parliament regulating the education of children employed in labour, or of any minute of the Scotch Education Department fixing the standard of education to be required for the partial exemption of children from the obligation to attend school.

Restriction on casual employment of children.

6. After the commencement of this Act no child under the age of ten years shall, save as herein-after mentioned, be employed in any casual employment, and no child who is above the age of ten years but under the age of fourteen years, shall, save as aforesaid, unless he has obtained a certificate of ability

to read and write, and of a knowledge of elementary arithmetic in terms of section seventy-three of the principal Act, be employed in any casual employment after nine o'clock at night, from the first day of April to the first day of October, and after seven o'clock at night from the first day of October to the first day of April. A.D. 1878

Casual employment shall mean employment for purposes of gain in streets or other places in vending or exposing for sale any article whatsoever, and also employment of any other kind, outside the child's own home, not being employment the lawful period whereof is regulated by any Act of Parliament.

A school board may, by writing under the hand of the clerk, exempt from the prohibitions of this section any child for a period or periods named in such writing, and not exceeding in the whole six weeks, between the first day of January and the thirty-first day of December in any year.

Exception to prohibition of employment of children.

7. A person shall not be deemed to have taken any child into his employment contrary to the provisions of this Act, if it is proved to the satisfaction of the sheriff either—

(1.) That during the employment there is not within three miles, measured according to the nearest road, from the residence of such child any inspected school open which the child can attend; or

(2.) That such employment is during the school holidays, or during the hours during which the school is not open, not being hours during which casual employment is herein-before prohibited; or

(3.) That the employment is exempted by the notice of the school board herein-after next mentioned; (that is to say,)

The school board may, if it thinks fit, issue a notice exempting from the prohibitions and restrictions of this Act the employment of children above the age of eight years, for the necessary operations of husbandry and the ingathering of crops or to give assistance in the fisheries for the period to be named in such notice: Provided that the period or periods so named by any such school board shall not exceed in the whole six weeks between the first day of January and the thirty-first day of December in any year.

The school board shall cause a copy of every notice so issued to be affixed to the door of all churches and schools in the district.

Penalty for employing a child in contraven-

8. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

9. A parent of a child who employs such child in any labour

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exercised by way of trade or for the purposes of gain, or who permits such child to be engaged in any such labour on its own behalf, shall be deemed for the purposes of this Act to take such child into his employment.

tion of Act.

Definition of employment in case of parent.

10. The provisions of this Act respecting the employment of children shall be enforced in the district of every school board by that board, provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the school board, to enforce the observance by the employers of children of the provisions of this Act respecting the employment of children in such factories, workshops, and mines; but it shall be the duty of the school board to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

Enforcement of Act by school board or by inspectors of factories, &c.

Certificates of birth for purposes of Acts.

11. Where the age of any child is required to be ascertained or proved for the purposes of this Act, any person, on presenting a written requisition in such form, and containing such particulars as may be from time to time prescribed by a Secretary of State, and on payment of such fee, not exceeding one shilling, as a Secretary of State from time to time fixes, shall be entitled to obtain an extract under the hand of the registrar, under the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, and any Acts amending the same, of the entry in the registry kept under those Acts.

Power of officer of school board to enter place of employment.

12. If it appears to any sheriff, on the complaint of an officer of a school board acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such sheriff may by order under his hand empower an officer of the school board to enter such place at any reasonable time within forty-eight hours from the date of the order, and examine such place, and any person found therein touching the employment of any child therein.

Any person refusing admission to an officer authorised by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction before the sheriff to a penalty not exceeding twenty pounds.

Exemption of employer on proof of guilt of some other person.

13. Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Where a child is taken into employment in contravention of this Act on the production by, or with the privity of, the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment

is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate, and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act, and under the belief in good faith in such representation, the employer shall be exempt from any penalty.

Where an employer satisfies the school board or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against, and convicting such agent, workman, or parent, such school board, or person, shall institute proceedings against such agent, workman, or parent, and not against the employer.

Temporary modification as to application of Act.

14. The provisions of this Act shall, during twelve months after the commencement of this Act, apply to children of the age of nine years and upwards as if they were of the age of ten years and upwards.

Resignation of member of school board, and supplying vacancy.

15. A member of a school board may resign on giving to the board one month's previous notice in writing of his intention so to do. The vacancy so caused shall, where a quorum remains, be supplied by the school board in the manner provided in section thirteen of the principal Act; and if the school board fail for eight weeks to fill up the vacancy, the Scotch Education Department may nominate a person to fill such vacancy, or may issue an order for an election of a person to fill such vacancy at such time and place and in such manner as the said department shall determine.

Disqualification of member of school board for non-attendance.

16. If a member of a school board absents himself during six successive months from all meetings of the board, except from temporary illness or other cause to be approved by the board, such person shall cease to be a member of the school board, and his office shall thereupon be vacant.

Proceedings where quorum fails by death, &c.

17. If by the death, resignation, or disqualification of any member or members of a school board there shall cease to be a quorum, the Scotch Education Department may nominate as many persons as shall be necessary to make up the full number of members, or may issue an order for an election of such number of members at such time and place and in such manner as the said department shall determine.

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Expenses of higher class school buildings may be paid out of school fund and charged on rates.

18. A school board having the management of any school which is a higher class public school within the meaning of the principal Act shall maintain the buildings thereof out of the school fund in the same manner in which it is bound to maintain the buildings of any other school under its management, and shall be empowered to pay from the school fund such other expenses for the promotion of efficient education in the said school as are not provided for by the revenues stated in section sixty-two of the principal Act: Provided that no expenditure under this section shall be incurred without the consent of the Scotch Education Department; and provided that nothing contained in this section shall in any way affect the powers of borrowing from the Public Works Loan Commissioners conferred on school boards by the principal Act.

Examination of higher class schools.

19. When an authority other than a school board having under its management a public or other school in which the education given does not consist chiefly of elementary instruction in reading, writing, and arithmetic, but of instruction in Latin, Greek, modern languages, mathematics, natural science, and generally in the higher branches of knowledge, shall apply to the Scotch Education Department for the examination of such school, with a view to ascertain its general efficiency, and with reference to the higher branches of knowledge taught therein, and shall undertake to pay towards the expenses incident to such examination such sum as the Scotch Education Department may fix, it shall be lawful for the Scotch Education Department to make provision for such examination either by one or more of Her Majesty's inspectors of schools or by such other person or persons as the Scotch Education Department may appoint for the purpose.

Examination of higher class schools under management of school boards.

20. When a school board having under its management a public or other school in which the education given does not consist chiefly of elementary instruction in reading, writing, and arithmetic, but of instruction in Latin, Greek, modern languages, mathematics, natural science, and generally in the higher branches of knowledge, shall apply to the Scotch Education Department for the examination of such school, with a view to ascertain its general efficiency, and with reference to the higher branches of knowledge taught therein, it shall be lawful for the Scotch Education Department to make provision for such examination either by one or more of Her Majesty's Inspectors of Schools, or by such other person or persons as the Scotch Education Department may appoint for the purpose. When a higher class public school shall have been examined under the provisions of this section, such examination shall

come in place of an examination under section sixty-two of the principal Act. A.D. 1878

Office under board to disqualify from being member of school board.

21. No person holding an office of profit under a school board in any parish or burgh shall be eligible or shall be capable of acting as a member of such school board or as a manager under section twenty-two of the principal Act.

Procedure where parochial board refuse to pay school fees.

22. If a parent is unable from poverty to pay for the elementary education in reading, writing, and arithmetic of his child or children between five and thirteen years of age, and if, upon application, the parochial board of the parish or burgh in which he resides refuses to pay out of the poor fund the ordinary and reasonable fees of such child or children, it shall be the duty of the school board to apply to the sheriff, who, after inquiry, may, if he shall think fit, grant an order on such parochial board to pay the said fees, and such order may dispose of all question of expense.

Mode of procedure and expenses of prosecutions. 27 & 28 Vict. c. 53.

23. Every prosecution for penalties or other proceedings under the principal Act, or this Act, may take place before the sheriff (whose judgment shall be final) under the provisions of the Summary Procedure Act, 1864, and in all proceedings under the principal Act or this Act any person appointed by the school board, or any inspector or sub-inspector of factories, workshops, or mines, may appear before the sheriff and conduct such proceedings.

Where proceedings shall be taken under sections seventy and seventy-one of the principal Act, or under this Act, it shall not be lawful to award expenses against (1) any person appointed by the school board to prosecute, whether that person is or is not a procurator fiscal; or (2) against any inspector or sub-inspector acting under the Acts regulating factories, workshops, or mines respectively. Any prosecution for penalties under the principal Act or this Act which may take place before the sheriff may take place also before any two justices of the peace sitting in open court, and any order which under this Act may be made by the sheriff may be made by such justices, whose judgments and orders shall be final, and not subject to review.

In the principal Act and this Act "sheriff" shall include "sheriff substitute."

Removal of doubt as to right of certain schoolmasters to the franchise.

24. Whereas doubts have arisen as to the right of a teacher of a public school under a school board, who holds office at the pleasure of the board, and who occupies as part of the emoluments of his office lands and heritages under the school board, to be registered as a voter and to vote at elections for a Member or Members to serve in Parliament, in respect of the qualifica-

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School board to have access to valuation roll free of charge.

25. The clerk of supply of a county or town clerk of a burgh or other officer who shall have in his possession or under his control any valuation roll shall at all times give, free of charge, reasonable access to such roll, either in his official chambers or where no such chambers are provided in such public place as the sheriff shall appoint, to the clerk or other person or persons appointed by the school board of any parish within such county or of such burgh for the purpose of making a copy of such roll or of any entries therein.

Amendment of 35 & 36 Vict. c. 62. sch. B.

26. The principal Act shall be construed as if there were substituted for the rule numbered four in Schedule B. to the principal Act the rule in the schedule to this Act.

Effect of schedules.

27. The schedules to the principal Act and to this Act shall be of the same force as if they were enacted in these Acts respectively.

Amendment of clause 70 of principal Act.

28. The principal Act shall be construed as if the words "one month" were substituted for the words "three months" in clause seventy of that Act.

Union of school board.

29. It shall be lawful for the Scotch Education Department at any time after the passing of this Act, upon the application of the school board of any parish in which no school has been erected by such Board, and of the School Board of any adjoining burgh, to order, that from and after the period specified in the order such parish shall cease, for the purposes of the principal Act and this Act, to be a parish, and shall be esteemed to be a part of such burgh within the meaning and for the purposes of the principal Act and this Act, and a school board shall be elected therefor in pursuance of the order, and the Scotch Education Department shall frame and issue all proper rules and directions for carrying such order into execution.

Extension of burghs for municipal purposes not

30. Where by any local Act, or under the powers of any public general Act, the area of any burgh shall hereafter be extended for municipal or police purposes, such extension shall not alter for the purposes of the principal Act or this Act the

area of such burgh, or the area of any parish from which any district shall be taken for such extension; and the valuation roll of such extended burgh, so far as it relates to such district, shall, for the purposes of the principal Act and this Act, be held to be a part of the valuation roll of the county applicable to such parish, unless and until such district be annexed to the said burgh for those purposes in manner hereinafter mentioned: Provided always, that the Scotch Education Department may at any time, after due inquiry, order such district to be annexed to such burgh for the purposes of the principal Act and this Act, upon such terms and subject to such arrangements as the said department may determine.

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to alter school board areas unless otherwise ordered by Scotch Education Department.

31. With respect to the purchase of land by school boards for the purposes of the Education (Scotland) Acts, 1872 and 1878, the following provisions shall have effect; (that is to say,)

Compulsory purchase of sites.

(1.) The Lands Clauses Consolidation (Scotland) Act, 1845, and the Acts amending the same, shall be incorporated with this Act, except the provisions relating to access to the special Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean the principal Act and this Act, together with the confirming Act herein-after mentioned, and the promoters of the undertaking shall be construed to mean the school board, and land shall be construed to include any right over land:

41 & 42 Vict. c. 78. 8 & 9 Vict. c. 19.

(2.) The school board, before putting in force any of the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, shall—

Regulations as to the purchase of land compulsorily.

(*a.*) Publish during three consecutive weeks in the months of October and November, or either of them, a notice describing shortly the object for which the land is proposed to be taken, naming a place where a plan of the land proposed to be taken may be seen at all reasonable hours, and stating the quantity of land that they require, and shall further,—

Publication of notices.

(*b.*) After such publication, serve a notice in manner mentioned in this section on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land;

Service of notices.

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(c.) Such notice shall be served—

(a.) By delivery of the same personally on the person required to be served, or, if such person is absent abroad, to his agent; or

(b.) By leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such person:

Petition to Education Department.

(3.) Upon compliance with the provisions contained in this section with respect to notices, the school board may, if they think fit, present a petition to the Scotch Education Department (herein-after called "the department"), praying that an order may be made authorising the school board to put in force the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, so far as regards the land therein mentioned; the petition shall state the land intended to be taken, and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and shall be supported by such evidence as the department may from time to time require:

(4.) If on consideration of the petition and proof of the publication and service of the proper notices the department think fit to proceed with the case, they may, if they think fit, appoint some person to inquire in the district in which the land is situate respecting the propriety of the proposed order, and also direct such person to hold a public inquiry:

(5.) After such consideration and proof, and after receiving a report made upon any such inquiry, the department may make the order prayed for, authorising the school board to put in force with reference to the land referred to in such order the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as they may think fit; and it shall be the duty of the school board to serve a copy of any order so made in the manner and upon the persons in which and upon whom notices in respect of the land to which the order relates are required by this Act to be served:

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(6.) No order so made shall be of any validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the department, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order (herein called the confirming Act) shall be deemed to be a public general Act of Parliament: No order valid until confirmed by Parliament.

(7.) The department, in case of their refusing or modifying such order, may make such order as they think fit for the allowance of the costs, charges, and expenses of any person whose land is proposed to be taken of and incident to such application and inquiry respectively: Costs how to be defrayed.

(8.) All costs, charges, and expenses incurred by the department in relation to any order under this section shall, to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, and all costs, charges, and expenses of any person which shall be so allowed by the department as aforesaid, shall become a charge upon the school fund of the parish or burgh to which such order relates, and be repaid to the said Commissioners of Her Majesty's Treasury or to such person respectively, by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such direction of the said Commissioners or allowance of such costs, charges, and expenses respectively upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

Parochial board to pay over school rate without deduction.

32. When, under section forty-four of the principal Act, a parochial board is required by a school board to levy by means of a local rate any sum required to meet a deficiency in the school fund, or to levy an amount of rate on each pound of rental as school rate, the parochial board shall pay over to the school board such sum or the produce of such rate, as the case may be, without any deduction on account of the cost of levying and collecting such sum or rate.

SCHEDULE.

The triennial election of a school board for any parish or burgh shall be held at such time and in such manner and in accordance with such regulations as the Scotch Education De-

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CHAPTER 79.

An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary.—[16*th August* 1878.]

WHEREAS, with a view to the revision of the Statute Law, and particularly to the preparation of the Revised Edition of the Statutes now in progress, it is expedient that certain enactments (mentioned in the First Schedule to this Act) which may be regarded as spent, or have ceased to be in force otherwise than by express and specific repeal by Parliament, or have, by lapse of time and change of circumstances, become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Enactments in first schedule repealed.

1. The enactments described in the First Schedule to this Act are hereby repealed, subject to the exceptions and qualifications in the said schedule mentioned:

Savings.

Provided, that where any enactment not comprised in the said schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act;

and the repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied, incorporated, or referred to;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon, or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any existing status or capacity,—or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, claim, or demand,—or any indemnity,—or the proof of any past act or thing; A.D. 1878

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, or emolument, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed;

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, right, title, privilege, restriction, exemption, usage, practice, procedure, or other matter or thing not now existing or in force;

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of Her Majesty's Dominions out of the United Kingdom, except where otherwise expressed in the said First Schedule.

Enactments in Second Schedule (repealed by Statute Law Revision Acts, 1873, 1875,) revived.

2. The enactments described in the Second Schedule to this Act, which were repealed by the Statute Law Revision Acts, 1873 and 1875, respectively, are hereby revived as from the respective dates of the repeals thereof; and all proceedings taken under the said enactments respectively since the dates of the respective repeals thereof shall be as valid and effectual as if the said enactments respectively had not been repealed.

Amendment of Statute Law Revision Act, 1875, as to partial repeal of 29 & 30 Vict. c. 118.

3. The Statute Law Revision Act, 1875, shall be read and construed as if in the entry in the schedule to that Act relating to the Act passed in the twenty-ninth and thirtieth years of Her present Majesty, chapter one hundred and eighteen, the words "The First Schedule" had been substituted for the words "The Schedule."

Short title.

4. This Act may be cited as the Statute Law Revision Act, 1878.

SCHEDULES.

The First Schedule, so far as respects Acts of the reign of Queen Anne, refers to the Edition prepared under the direction of the Record Commission, intituled "The Statutes of the Realm; printed by Command of His Majesty "King George the Third, in pursuance of an Address of the House of Com- "mons of Great Britain. From original Records and authentic Manuscripts."

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

ANNE.

6 Anne c. 41 [1] in part.	An Act for the Security of Her Majesties Person and Government and of the Succession to the Crown of Great Britain in the Protestant Line . . .	in part; namely,—
	Section Four, from "for and during" to "above-mentioned," and from "and continue" to the end of that Section.	
	Section Five, from "for and during" to the end of that Section.	
c. 53. [2] in part.	An Act for settling and establishing a Court of Exchequer in the North Part of Great Britain called Scotland .	in part; namely,—
	Section Twenty-six. [3]	

GEORGE III.

53 Geo. 3. c. 155. in part.	*An Act the title of which begins with the words*—An Act for continuing in the East India Company—*and ends with the words*—within the Limits of the said Company's Charter . . .	in part; namely,—
	Section Eighty-nine, so far as it relates to the governor of Prince of Wales Island and the recorder there. Repealed as to all Her Majesty's Dominions.	

[1] Chap. 7 in the ordinary editions. [2] Chap. 26 in the ordinary editions.
[3] Sect. 18 in the ordinary editions.

GEORGE IV.

6 Geo. 4. c. 85. in part.	*An Act the title of which begins with the words*—An Act for further regulating the Payment of the Salaries and Pensions to the Judges of His Majesty's Courts in India—*and ends with the words*—Colonies on the Coast of Coromandel	in part; namely,—
	Sections Thirteen and Fourteen wholly, and Sections Five, Seven, and Sixteen, so far as they relate to the recorder of the Court of Judicature of Prince of Wales Island.	
	Repealed as to all Her Majesty's Dominions.	
7 Geo. 4. c. 16. in part.	An Act to consolidate and amend several Acts relating to the Royal Hospitals for Soldiers at Chelsea and Kilmainham	in part; namely,—
	Section Three, the word "whether", and the words "or elsewhere."	
9 Geo. 4. c. 58. in part.	*An Act the title of which begins with the words*—An Act to regulate the granting of Certificates—*and ends with the words*—Prevention of such Houses being kept without such Certificate .	in part; namely,—
	Section Thirty-two.	

WILLIAM IV.

6 & 7 Will. 4. c. 13. in part.	An Act to consolidate the Laws relating to the Constabulary Force in Ireland	in part; namely,—
	Section Twenty-nine, from "it shall be lawful for the Lord Lieutenant" to "for all such clerks the sum of eight hundred pounds; and".	

VICTORIA.

2 & 3 Vict. c. 75. in part.	An Act for the better Regulation of the Constabulary Force in Ireland . .	in part; namely,—
	Section Two, from "and such surgeon shall receive" to the end of that Section.	
3 & 4 Vict. c. 61. in part.	An Act to amend the Acts relating to the general Sale of Beer and Cider by Retail in England	in part; namely,—
	Section Eight, the words "and entering into the usual bond".	
c. 96. in part.	An Act for the Regulation of the Duties of Postage	in part; namely,—
	Sections Two, Six, Eight to Ten, Seventeen, Thirty-one, and Thirty-two.	
	Section Thirty-three, except so much thereof as defines letters chargeable with postage.	

Section Thirty-four.
Section Thirty-five, the words "according to the scale of weight and number of rates herein-before mentioned".
Sections Thirty-nine, Forty-six, Fifty-seven, and Fifty-eight.
Section Fifty-nine, from "and that" to the end of that Section.
Section Sixty-three.
Section Seventy, to "and that".
Section Seventy-one, from "the term 'British newspapers'" to "nor liable to stamp duties; and".
The Schedule.
Repealed as to all Her Majesty's Dominions.

5 & 6 Vict. c. 95. in part. — An Act for consolidating the Four Courts Marshalsea, Dublin, Sheriffs Prison, Dublin, and City Marshalsea, Dublin, and for regulating the Four Courts Marshalsea in Ireland . . . — in part; namely,—
Section One, the words "subject to the provisions hereinafter contained".
Section Nine.

c. 106. in part. — An Act to regulate the Irish Fisheries . — in part; namely,—
Section Two.
Section Thirty-three, from "and provided also" to the end of that Section.

6 & 7 Vict. c. 32. in part. — An Act to amend the Laws in force relating to Grand Jury Presentments in Counties of Cities and Towns in Ireland . . . . . — in part; namely,—
Sections Fifteen and Twenty-one to Twenty-five.

c. 93. in part. — An Act to amend an Act of the Third and Fourth Years of Her present Majesty, for the Regulation of Municipal Corporations in Ireland . . . — in part; namely,—
Section Twenty-six, from "and that all and every" to "as by the said Act required".

7 & 8 Vict. c. 49. in part. — An Act for the better Regulation of Colonial Posts . . . . . — in part; namely,—
Sections Six and Eight.
Repealed as to all Her Majesty's Dominions.

c. 52. in part. — An Act to extend the Powers of the Act for the Appointment and Payment of Parish Constables . . . . — in part; namely,—
Section Three.

c. 67. — An Act to transfer the Collection of the Duty on Licences to let Horses for Hire in Ireland from the Commissioners of Stamps to the Commissioners of Excise.

c. 81. in part. — An Act for Marriages in Ireland; and for registering such Marriages . . — in part; namely,—
Section Eighty-two.

7 & 8 Vict. c. 83. in part.	An Act to amend the Laws relating to Savings Banks, and to the Purchase of Government Annuities through the Medium of Savings Banks . . .	in part; namely,—
	Sections Two, Six, Eight, Thirteen, Sixteen to Eighteen, Twenty-one, and Twenty-three.	
c. 90. in part.	*An Act the title of which begins with the words*—An Act for the Protection of Purchasers against Judgments,—*and ends with the words*—Laws in Ireland respecting Bankrupts and the Limitation of Actions	in part; namely,—
	Section Thirty-one.	
c. 91. in part.	An Act to consolidate and amend the Laws relating to Turnpike Trusts in South Wales	in part; namely,—
	Section Seventy, the words "to the said Commissioners, or, after the said Commission shall have determined", the words "them or" (where they next occur), and the words "or to the said Commissioners".	
c. 107. in part.	An Act to regulate and reduce the Expences of the Offices attached to the Superior Courts of Law in Ireland payable out of the Consolidated Fund	in part; namely,—
	Section Six, from "in and by an Act passed in the ninth", to "limited time, or".	
	Section Nineteen, the words "and searching".	
	Section Twenty-three.	
8 & 9 Vict. c. 64. in part.	An Act to amend certain Regulations respecting the Retail of Spirits in Ireland	in part; namely,—
	Section Three.	
c. 81. in part.	An Act to amend an Act of the last Session, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of Dublin	in part; namely,—
	Section Eight, the words "at the said presenting term", and the word "succeeding".	
c. 100. in part.	An Act for the Regulation of the Care and Treatment of Lunatics . .	in part; namely,—
	Section Thirty-four.	
	Section Thirty-nine, the words "or under any of the Acts herein-before repealed".	
	Section Forty-four, the words "or one of the Acts herein-before repealed".	
	Section Eighty-four, the words "(to be applied as herein-before provided)".	

		Section One hundred and two, from "to be by him" (where those words first occur) to "Commissioners".
		Section One hundred and six, from "and be by him" (where those words first occur) to "Commissioners".
		Section One hundred and nine, from "and included" (where those words first occur) to "kept by him" (where those words first occur).
8 & 9 Vict. c. 112. in part.	An Act to facilitate and encourage the granting of certain Leases for Terms of Years in Ireland	in part; namely,—
		Section One, from "and any such lease" to the end of that Section.
		Sections Two and Three.
10 & 11 Vict. c. 85. in part.	An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office .	in part; namely,—
		Section Two.
		Section Three, except so far as relates to colonial postage.
		Sections Four, Eight, Nine, and Fifteen.
		Repealed as to all Her Majesty's Dominions.
11 & 12 Vict. c. 2. in part.	An Act for the better Prevention of Crime and Outrage in certain Parts of Ireland until the First Day of December One thousand eight hundred and forty-nine, and to the end of the then next Session of Parliament . .	in part; namely,—
		The Preamble.
		Section Fifteen, the words "in the form (A.) in the schedule to this Act annexed contained", and the words "in the form (B.) in the schedule to this Act annexed contained".
		Section Twenty-one.
		The Schedule.
		And so much of the rest of the Act as relates to the posting of proclamations, abstracts, and notices.
c. 5. in part.	An Act to suspend for Five Years the Operation of certain Parts of an Act of the Tenth Year of Her present Majesty, for making further Provision for the Government of the New Zealand Islands; and to make other Provision in lieu thereof	in part; namely,—
		Sections Eight and Nine.
		Repealed as to all Her Majesty's Dominions.
c. 21. in part.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India	in part: namely,—
		Sections Eighty-eight to Ninety.
		Repealed as to all Her Majesty's Dominions.

11 & 12 Vict. c. 28. in part.	An Act to amend the Laws of Imprisonment for Debt in Ireland, and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and towns, in certain Cases . . . . . Section Fifteen.	in part; namely,—
c. 56.	*An Act the title of which begins with the words*—An Act to repeal so much of an Act of the Third—*and ends with the words*—Legislative Assembly of the Province of Canada. Repealed as to all Her Majesty's Dominions.	
c. 92. in part.	An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of Ireland . . Section Forty-three.	in part; namely,—
c. 113. in part.	An Act for the further Amendment of the Acts relating to the Dublin Police Sections Two and Three.	in part; namely,—
c. 133.	An Act to amend the Laws relating to Savings Banks in Ireland.	
12 & 13 Vict. c. 48. in part.	An Act to provide for the Administration of Justice in Vancouver's Island. Section Five. Repealed as to all Her Majesty's Dominions.	in part; namely,—
c. 66. in part.	An Act for enabling Colonial Legislatures to establish Inland Posts . . . Section Seven. Repealed as to all Her Majesty's Dominions.	in part; namely,—
c. 91. in part.	An Act to provide for the Collection of Rates in the City of Dublin . . Section Thirty, the words "on or before the tenth day of December one thousand eight hundred and fifty, and", the word "succeeding" (wherever it occurs), and the words "on or before the said tenth day of December one thousand eight hundred and fifty, and". Section Thirty-one. Section Thirty-two, the words "on or before the tenth day of December one thousand eight hundred and fifty, and", the word "succeeding" (wherever it occurs), the words "on or before the said tenth day of December one thousand eight hundred and fifty, and", and from "Provided always" to the end of that Section. Section Thirty-three. Section Thirty-five, from "Provided also" to the end of that Section. Section Thirty-seven, the words "on or before the tenth day of December one thousand eight hundred and fifty, and", and the word "succeeding".	in part; namely,—

Section Thirty-nine.
Section Forty-one, from "on or before" (where those words first occur) to "same year, and", and the word "succeeding".
Sections Forty-two, Forty-three, Eighty-eight, Ninety, and Ninety-one.

12 & 13 Vict. c. 92. in part. — An Act for the more effectual Prevention of Cruelty to Animals . . . — in part; namely,—
Section Eleven, the words "be licensed as a horse dealer, or", and from "and if" to the end of that Section.

c. 96. in part. — An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the jurisdiction of the Admiralty . . . — in part: namely,—
Section Six.
Repealed as to all Her Majesty's Dominions.

13 & 14 Vict. c. 15. in part. — An Act to authorize the Establishment of Courts of Appeal for certain of Her Majesty's West India Colonies . . — in part; namely,—
Sections Seven and Eight.
Repealed as to all Her Majesty's Dominions.

c. 18. in part. — An Act for the Regulation of Process and Practice in the Superior Courts of Common Law in Ireland . . . — in part; namely,—
Sections Twenty to Twenty-four, Twenty-six, Twenty-eight, and Twenty-nine.
Section Thirty-two, from "and such" to the end of that Section.

c. 59. in part. — An Act for the better Government of Her Majesty's Australian Colonies . — in part: namely,—
Section Thirty-eight.
Repealed as to all Her Majesty's Dominions.

c. 69. in part. — An Act to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in Ireland, and to alter the Law for rating immediate Lessors of Premises to the Poor Rate in certain Boroughs . . — in part; namely,—
Section Twelve, the words "after the said last-mentioned day".
Section Twenty-one, the words "after one thousand eight hundred and fifty-one".
Section Twenty five, the words "after one thousand eight hundred and fifty-one".
Section Fifty-five, the words "the list of registered voters, or".
Section Eighty-five, from "holden" to "fifty-one".
Section Eighty-nine, from "holden" to "fifty-one".

	Section Ninety-two, from "holden" to "fifty-one". Section One hundred and seventeen, from "the expression 'succeding year'" to "fifty-one". Schedule (B.), Form No. 4, from "(in the year one thousand eight hundred and fifty-one" to "and together (in every succeeding year)".
13 & 14 Vict. c. 74. in part.	An Act for the better Regulation of the Office of Registrar of Judgments in Ireland . . . . . in part; namely,— Section Five. Section Six, the words "the said duties and".
c. 89. in part.	An Act to regulate the Proceedings in the High Court of Chancery in Ireland . . . . . in part; namely,— Section Thirty-eight, from "Provided also, that nothing" to the end of that Section. Section Forty-two.
c. 92. in part.	An Act for the more effectual Prevention of Cruelty to Animals in Scotland . in part; namely,— Section Five, the words "be licensed as a horse dealer, or", and from "and if" to the end of that Section.
14 & 15 Vict. c. 38. in part.	An Act to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls . . . in part; namely,— Section Four, from "and the word 'constable'" to the end of that Section.
c. 57. in part.	An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors . . . . . in part; namely,— Section Forty-two, from "and shall be entitled" to the end of that Section. Section One hundred and twenty-one, the words "of the said Court for the Relief of Insolvent Debtors, or", the words "of the said Court for the Relief of Insolvent Debtors, or", the words "Commissioner or", and the word "Commissioner". Schedule C., the form of sheriff's warrant annexed to form No. 18, the form of sheriff's warrant annexed to form No. 19, and the form of sheriff's warrant annexed to form No. 20. Schedule D. from "*Clerk of the Peace in cases of Insolvents*" to "the fees specified in section 145 of this Act"

14 & 15 Vict. c. 65. in part.	*An Act the title of which begins with the words*—An Act to continue certain temporary Provisions—*and ends with the words*—for the Purposes of Grand Jury Cess and other Purposes . . Section Two.	in part; namely,—
c. 83. in part.	An Act to improve the Administration of Justice in the Court of Chancery and in the Judicial Committee of the Privy Council . . . . . Section Ten.	in part; namely,—
c. 85. in part.	An Act further to amend an Act of the Sixth Year of King William the Fourth, to consolidate and amend the Laws relating to the Constabulary Force in Ireland . . . . . Section Five.	in part; namely,—
16 & 17 Vict. c. 5. in part.	An Act to substitute Stamp Duties for Fees on passing Letters Patent for Inventions, and to provide for the Purchase for the Public Use of certain Indexes of Specifications . . . Section One. Section Two, the words "(except in the cases provided for in the fourth section of this Act)". Sections Four and Seven. Section Eight, from "for a sum not exceeding" to "receipt of the Exchequer".	in part; namely,—
c. 34. in part.	An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices Section Twenty-eight, to "less than one hundred pounds a year respectively".	in part; namely,—
c. 41. in part.	An Act for making further Provisions with respect to Common Lodging Houses . . . . . Sections Nine, Thirteen, and Fourteen.	in part; namely,—
c. 67. in part.	An Act for the better Regulation of Public Houses in Scotland . . Section Seventeen, from "The expression 'inn and hotel'" to "travellers".	in part; namely,—
c. 70. in part.	An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition, and their Estates	in part; namely,—

	Sections Twenty-two and Twenty-three. Section Twenty-four, from "and the secretary" to "the direction of the visitors)".	
16 & 17 Vict. c. 89. in part.	An Act to regulate the Admission of Professors to the Lay Chairs in the Universities of Scotland . . .	in part; namely,—
	Section Three.	
c. 95. in part.	An Act to provide for the Government of India	in part; namely,—
	Sections Two to Fourteen, Twenty, Twenty-one, Twenty-five, Twenty-nine to Thirty-one, Thirty-three, and Thirty-four. Section Thirty-five from "To each ordinary" to "any other office) fifty thousand Company's rupees", and from "Provided always," to the end of that Section. Sections Thirty-six to Forty-three. Repealed as to all Her Majesty's Dominions.	
c. 115. in part.	*An Act the title of which begins with the words*—An Act to amend certain Provisions of the Patent Law Amendment Act, 1852,—*and ends with the words*—and otherwise to amend the said Act	in part; namely,—
	Section One. Section Six, the words "whether such expiration has happened before or shall happen after the passing of this Act", the words "whether the default in such filing has happened before or shall happen after the passing of this Act", and the words "except in any case that have arisen before the passing of this Act". Section Seven.	
17 & 18 Vict. c. 77. in part.	An Act to provide for the Mode of passing Letters Patent and other Acts of the Crown relating to India, and for vesting certain Powers in the Governor General of India in Council .	in part; namely,—
	Section One, from "and every such warrant or writing as aforesaid" to the end of that Section. Sections Two and Six. Repealed as to all Her Majesty's Dominions.	
c. 102. in part.	An Act to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament . . .	in part; namely,—
	Section Thirty-three.	
c. 104. in part.	An Act to amend and consolidate the Acts relating to Merchant Shipping .	in part; namely,—
	Section Four hundred and thirty-six, from "and may pay" to the end of that Section.	

18 & 19 Vict. c. 53.	An Act to relieve the East India Company from the Obligation to maintain the College at Haileybury.	
	Repealed as to all Her Majesty's Dominions.	
c. 93. in part.	An Act to amend certain Acts relating to the Court of Judicature of Prince of Wales Island, Singapore, and Malacca, and to the Supreme Courts of Judicature in India	in part; namely,—
	Sections One to Four.	
	Repealed as to all Her Majesty's Dominions.	
c. 116. in part.	An Act for the better Prevention of Diseases	in part: namely,—
	Section Thirteen.	
c. 134. in part.	*An Act the title of which begins with the words*—An Act to make further Provision for the more speedy and efficient Despatch—*and ends with the words*—Powers of leasing and Sale thereof .	in part; namely,—
	Section Two, so far as it extends and applies the provisions of sections XXIV. and XLIV. of the Act 15 & 16 Vict. c. 80.	
21 & 22 Vict. c. 97. in part.	An Act for vesting in the Privy Council certain Powers for the Protection of the Public Health	in part; namely,—
	Section Four, from "and the person" to "as aforesaid".	
c. 106. in part.	An Act for the better Government of India	in part; namely,—
	Sections Five, Eight, and Seventeen.	
	Section Twenty-nine, the words "fourth ordinary member of the Council of the Governor General of India", and from "the appointments of the ordinary members" to "majority of members present at a meeting".	
	Section Thirty-one.	
	Section Forty-two, to "the redemption thereof, and", and from "Provided always" to the end of that Section.	
	Sections Forty-four and Forty-six.	
	Section Fifty-one, from "that where a warrant" to "shall be made; and".	
	Section Sixty, from "and all appointments" to "by Her Majesty", and from "and the yearly" to the end of that Section.	
	Sections Sixty-six, Sixty-nine, and Seventy.	
	Section Seventy-one, the words "except claims of mortgagees of the Security Fund herein-before mentioned".	
	Sections Seventy-two, Seventy-three, and Seventy-five.	
	Repealed as to all her Majesty's Dominions.	

22 & 23 Vict. c. 22. in part.	An Act to amend the Acts relating to the Constabulary Force in Ireland . .	in part; namely,— Section Two, the words "not exceeding one thousand pounds". Section Three, the words "not exceeding the amount herein-after mentioned". Section Five.
23 & 24 Vict. c. 110.	An Act to consolidate the Duties of Customs.	
24 & 25 Vict. c. 14. in part.	An Act to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof . .	in part; namely,— Section Nine, the words "not later than the thirty-first of March in every year".
c. 21. in part.	An Act for granting to Her Majesty certain Duties of Excise and Stamps .	in part; namely,— Section Three, from "or that the person applying" to the end of that Section.
c. 45. in part.	An Act to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain and Ireland	in part; namely,— Section Eighteen, the words "or of the Lords of the Admiralty", and from "or by the Secretary" to the end of that Section.
c. 67. in part.	*An Act the title of which begins with the words*—An Act to make better Provision for the Constitution of the Council of the Governor General of India—*and ends with the words*—Vacancy in the Office of Governor General .	in part; namely,— Section Three, from "by the Secretary of State" to "meeting". Section Fifty-four. Repealed as to all Her Majesty's Dominions.
c. 104. in part.	An Act for establishing High Courts of Judicature in India	in part; namely,— Section Three. Section Five, from "and such of the other judges" to "not transferred from the Supreme Court;". Section Six, to "except as aforesaid". Repealed as to all Her Majesty's Dominions.
c. 112. in part.	An Act for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban	in part; namely,— Section Ten.

25 & 26 Vict. c. 63. in part.	An Act to amend the Merchant Shipping Act, 1854, the Merchant Shipping Act Amendment Act, 1855, and the Customs Consolidation Act, 1853	in part; namely,—
	Section Twenty-three, Sub-section (5).	
6 & 27 Vict. c. 12. in part.	An Act to abolish the Office of Secretary at War, and to transfer the Duties of that Office to One of Her Majesty's Principal Secretaries of State . .	in part; namely,—
	So much of the Schedule as relates to the Acts 53 Geo. 3. c. 81. and 22 & 23 Vict. c. 38.	
c. 88. in part.	An Act to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in Ireland .	in part; namely,—
	Section Thirty-eight, from "Provided always," to the end of that Section.	
c. 89. in part.	An Act for the further Amendment of the Law relating to the Removal of poor Persons, Natives of Ireland, from England	in part; namely,—
	Section One.	
c. 102.	An Act to reduce the Duty on Rum in certain Cases.	
27 & 28 Vict. c. 92.	An Act for annexing Conditions to the appointment of Persons to Offices in the Governing Bodies of certain Public Schools and Colleges.	
28 & 29 Vict. c. 5. in part.	An Act for the Incorporation of the Territories of British Kaffraria with the Colony of the Cape of Good Hope .	in part; namely,—
	Sections Four to Eighteen, and the Schedule. Repealed as to all Her Majesty's Dominions.	
c. 15. in part.	An Act to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the Territorial Jurisdiction of the said Courts . .	in part; namely,—
	Sections Two and Five. Repealed as to all Her Majesty's Dominions.	
c. 17. in part.	*An Act the title of which begins with the words*—An Act to enlarge the Powers of the Governor General of India—*and ends with the words*—Lieutenant Governorships in India . . .	in part; namely,—
	Section Three. Repealed as to all Her Majesty's Dominions.	

29 & 30 Vict. c. 36. in part.	An Act to grant, alter, and repeal certain Duties of Customs and Inland Revenue, and for other purposes relating thereto . . . . . Except Sections Eight and Nine.	in part; namely,—
c. 67. in part.	An Act for the Union of the Colony of Vancouver Island with the Colony of British Columbia . . . . . Section Nine and the Schedule. Repealed as to all Her Majesty's Dominions.	in part; namely,—
c. 103. in part.	An Act to amend an Act to consolidate the Laws relating to the Constabulary Force in Ireland . . . . . Section Two, from "1. To each county inspector" to "not exceeding one hundred and fifty pounds:" from "6. To each head constable major" to "forty-two pounds eighteen shillings", from "to take effect" to "sixty-six, and", from "to five county inspectors" to "thirty pounds per annum each; and", and from "such increased" to "sixty-six". Section Eight, from "from and after the passing" to "such salaries, and". Section Eleven.	in part; namely,—
30 & 31 Vict. c. 36. in part.	*An Act the title of which begins with the words* — An Act to authorize the Quarter Sessions of the Peace for the Borough and City of Chester—*and ends with the words*—Sheriff of the City of Chester . . . . . Except Section Four.	in part; namely,—
c. 105. in part.	An Act to establish Equitable Councils of Conciliation to adjust Differences between Masters and Workmen . The Schedule.	in part; namely,—
c. 122. in part.	*An Act the title of which begins with the words*—An Act for the Application of surplus Fees—*and ends with the words* —Courts of Justice, and for other purposes . . . . . The Fifth Schedule.	in part; namely,—
31 & 32 Vict. c. 36.	An Act to make perpetual the Alkali Act, 1863.	

THE SECOND SCHEDULE.

ENACTMENTS REVIVED.

GEORGE IV.

9 Geo. 4. c. 58. in part.	*An Act the title of which begins with the words*—An Act to regulate the granting of certificates—*and ends with the words*—prevention of such houses being kept without such certificate . .	in part; namely,— Section Two. Section Three, from "Provided always," to the end of that Section. Section Four, from "Provided always," to the end of that Section. Section Eighteen. Section Twenty-three, from "and all such" to the end of that Section. So much of the form in the Schedule, designated by the letter A., as prescribes the form of deliverance at the end of each day's register. So much of the form in the Schedule, designated by the letter D., as prescribes the form of a warrant of imprisonment, and the note to that form.
10 Geo. 4. c. 44. in part.	An Act for improving the Police in and near the Metropolis	in part; namely,— Section Nine.

VICTORIA.

8 & 9 Vict. c. 100. in part.	An Act for the Regulation of the Care and Treatment of Lunatics . .	in part; namely,— So much of Sections Ninety-nine and One hundred and five as was repealed by the Statute Law Revision Act, 1875.
9 & 10 Vict. c. 115. in part.	*An Act the title of which begins with the words*—An Act to amend the Laws as to District Lunatic Asylums in Ireland;—*and ends with the words*—Inspector of Lunatics in Ireland . .	in part; namely,— Section Two, except so much thereof as was repealed by 18 & 19 Vict. c. 109. s. 4. Section Three.
16 & 17 Vict. c. 67. in part.	An Act for the better Regulation of Public Houses in Scotland . .	in part; namely,— Section Eleven, to "contained in the said Schedule." Section Twelve. So much of the Schedule as prescribes the form of the register of applications.

The Acts contained in the following List, being PUBLIC ACTS of a Local Character, are placed amongst the LOCAL AND PERSONAL ACTS.

i. An Act to amend an Act passed in the ninth year of the reign of His late Majesty King George the Fourth, chapter sixty-two, so far as the same relates to the Linen and Yarn Halls in the City of Dublin.

viii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Bristol, the Rural Sanitary District of Chester-le-Street Union, the Local Government District of Finchley, the Rural Sanitary District of the Newbury Union, and the Local Government Districts of Wallasey and West Derby.

xxxvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Abingdon, the Rural Sanitary District of the Abingdon Union, the Local Government Districts of Brampton and Walton, Buxton and Dalton-in-Furness, the Rural Sanitary District of the Headington Union, the City of Lincoln, the Rural Sanitary District of the Loughborough Union, the Local Government District of Newtown and Llanllwchaiarn, the Boroughs of Saint Helens and Southport, and the City of Worcester.

xxxviii. An Act to confirm two Provisional Orders under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same, relating to "Ward River and River Suck Drainage Districts."

lvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bognor Gas, Dysynni Gas, Elland Gas, Formby Gas, Godalming Gas, Greenhithe Gas, Sandown Gas, Shanklin Gas, Weston-super-Mare Gas, Alcester Water, Cuckfield, Haywards-Heath, and Lindfield Water, Fowey Water, Frith Hill, Godalming, and Farncombe Water, Holywell and District Water, Newquay Water, Norwood, (Middlesex) Water, Wokingham Water, Hoylake and West Kirby Gas and Water, New Tredegar Gas and Water, and Walton-on-the-Naze Gas and Water.

lvii. An Act to confirm certain Provisional Orders of the Local Government Board under the Provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Borough of Droitwich, the Local Government District of Ilkeston, the Borough of Saffron Walden, and the Local Government District of Tow Law.

lviii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Mickleover, in the county of Derby, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

ciii. An Act to confirm a Provisional Order under the General Police and Improvement (Scotland) Act, 1862, relating to the Burgh of Paisley.

civ. An Act to confirm certain Provisional Orders of the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, relating to the Parishes of Birmingham and Boldre, and to the Townships of Old Accrington and New Accrington, and certain Orders of the Local Government Board under the provisions of the Divided Parishes and Poor Law Amendment Act, 1876, relating to the Parishes of Bolnhurst, Keysoe, Little Staughton, Minster, Pertenhall, and Saint Lawrence.

cv. An Act to confirm certain Provisional Orders of the Local Government Board under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, relating to the Boroughs of Devenport and Newcastle-upon-Tyne.

cvi. An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, relating to the Burgh of Lochgelly, in the county of Fife.

cvii. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for Portsmouth to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

cviii. An Act to confirm a Provisional Order of the Local Government Board for Ireland under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, relating to the Borough of Cork.

cix. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Belper Union, the Borough of Burnley, the Rural Sanitary District of the Chesterfield Union (two), the Local Government District of Ilkeston, the Improvement Act District of Lytham, the Port of Milford, the Local Government District of Rhymney, the Rural Sanitary District of the Rugby Union, the Local Government District of Ryton, the Rural Sanitary District of the Saint Asaph Union, the Port of Sunderland, the Borough of Swansea, and the Local Government District of Tunbridge Wells.

cx. An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education

Act, 1870, to enable the School Boards for Birmingham, Lewannick (Cornwall), and Mold (Flint) to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

cxi. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

cxii. An Act to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Unhealthy Areas within the Metropolis.

cxiii. An Act to confirm the Provisional Order for the inclosure of certain Lands situated in the parish of Orford, in the county of Suffolk, in pursuance of a report of the Inclosure Commissioners for England and Wales.

cxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Auchenlochan (Kyles of Bute), Carrick Castle (Loch Goil), Conway, Falmouth, Filey, Folkestone, Hythe (Southampton), Margate, Plymouth, Port Seton, Sea View (Isle of Wight), Shanklin, Southend, South Uist, and Walton-on-the-Naze.

cxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Ardglass, Boddom, Lochmaddy, Montrose, Southsea, and Youghal.

cxvi. An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Town of Dungarvan, and to the Burial Grounds of Barnahely and Templerobin in the County of Cork, and to the Town of Tralee, and to Waterworks in the Town of Tralee.

clxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Improvement Act District of Bournemouth, the Local Government District of Brottan, the Boroughs of Haverfordwest (two) and Liverpool, the Improvement Act District of Llandudno, the Local Government District of Lofthouse, the Lower Thames Valley Main Sewerage District, the Improvement Act District of Middleton and Tonge, the Local Government Districts of Pemberton, Romford, and Tyldesley-with-Shakerley (two), the Borough of Wakefield, the Improvement Act District of West Hartlepool, the Borough of Wigan, and the Local Government Districts of Wilmslow and Workington.

clxiii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating

to Cardiff Tramways (Extension), Manchester Corporation Tramways, Manchester Suburban Tramways, and Oldham Borough Tramways.

clxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Abergavenny Union, the Improvement Act District of Bradford (Wilts), the Local Government District of Brigg, the Boroughs of Brighton and Cheltenham, the Local Government District of Ebbw Vale, the Improvement Act District of Leek, the Boroughs of Liverpool and Preston, the Local Government District of St Columb, the Borough of Tiverton (two), the Local Government District of Tredegar, and the Special Drainage District of Washington.

clxv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government District of Dawlish, the Rural Sanitary District of the Shardlow Union, and the Borough of Wigan.

clxvi. An Act for authorising the Commissioners of Her Majesty's Treasury to compound the Debt due to the Consolidated Fund in respect of Conway Bridge, and for other purposes relating thereto.

ccxi. An Act to confirm a Provisional Order of the Local Government Board relating to the Dareuth Valley Main Sewerage District.

ccxii. An Act for the appointment of Trustees to maintain certain works executed near the River Corrib, in the County of Galway; and for other purposes.

ccxiii. An Act for the Disafforestation of Epping Forest and the preservation and management of the uninclosed parts thereof as an Open Space for the recreation and enjoyment of the public; and for other purposes.

ccxxxi. An Act to confirm, with amendments, certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Aldershot and Farnborough Tramways, Bolton and Suburban Tramways, Gloucester Tramways, Moss Side Local Board Tramways, Newton Heath Local Board Tramways, Reading Tramways, Sunderland Tramways, Wavertree Local Board Tramways, West Derby Local Board Tramways, and Wolverhampton Tramways (Extension).

ccxxxii. An Act to confirm, with amendments, a Provisional Order made by the Board of Trade under the Tramways Act, 1870, relating to Glasgow and Ibrox Tramway.

ccxxxiii. An Act to confirm the Provisional Orders for the Inclosure of certain lands in pursuance of Reports of the Inclosure Commissioners of England and Wales.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED,

Passed in the FIFTH Session of the TWENTY-FIRST Parliament of the United Kingdom of Great Britain and Ireland.

41 & 42 VICTORIA (1878.)

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

P. i. AN Act to amend an Act passed in the ninth year of the reign of His late Majesty King George the Fourth, chapter sixty-two, so far as the same relates to the Linen and Yarn Halls in the City of Dublin.

ii. An Act to enable the Brighton Aquarium Company to raise additional Capital.

iii. An Act for amending the Royal Bank of Scotland Officers Widows Fund Act, 1870.

iv. An Act for rendering valid certain Letters Patent granted to Lewis Augustus Aspinwall for "a new or improved implement for planting Potatoes."

v. An Act for the abandonment of the Railway authorised by the Birkenhead, Chester, and North Wales Railway Act, 1873.

vi. An Act for the abandonment of the Undertaking of the Bodmin and Wadebridge and Delabole Railway Company; and for other purposes.

vii. An Act for the abandonment of the Cornwall Mineral and Bodmin and Wadebridge Junction Railway; and for other purposes.

P. viii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Bristol, the Rural Sanitary District of Chester-le-Street Union, the Local Government District of Finchley, the Rural Sanitary District

of the Newbury Union, and the Local Government Districts of Wallasey and West Derby.

ix. An Act to confer additional powers upon the Hartlepool Gas and Water Company.

x. An Act for incorporating "The Brading Harbour District Gas Company," and enabling them to construct Gasworks and light with Gas parts of the parishes of Brading and Saint Helen's, in the Isle of Wight, in the county of Southampton.

xi. An Act to confer further powers upon the Company of Proprietors of the Deal Waterworks: to authorise the Company to raise additional Capital; and for other purposes.

xii. An Act to confirm an agreement between the Serle Street and Cook's Court Improvement Company and the Royal Insurance Company; and for other purposes.

xiii. An Act to extend the time granted to the Swindon, Marlborough, and Andover Railway Company for the completion of certain railways and works; and for other purposes.

xiv. An Act to dissolve and re-incorporate the Sevenoaks Waterworks Company, Limited, and to extend their Limits of Supply; and for other purposes.

xv. An Act to authorise an extension of time for the completion of the Bala and Festiniog Railway.

xvi. An Act to enable the Corporation of Dublin to construct additional Waterworks; and for other purposes.

xvii. An Act for granting further powers to the Imperial Continental Gas Association.

xviii. An Act for conferring further powers on the Farnworth and Kearsley Gas Company for the purchase of land, the construction of works, the raising of money, and otherwise in relation to their undertaking.

xix. An Act to provide for the sale and removal of the Chapel of Saint John's Hospital, in the parish of Saint Lawrence in the city of Exeter, and the application of the purchase money to arise from such sale; and for other purposes.

xx. An Act for extending the time for the completion of the Newent Railway; and for other purposes.

xxi. An Act for extending the time for the completion of the Railway No. 3 authorised by the Ross and Ledbury Railway Act, 1873; and for other purposes.

xxii. An Act to enable the London and Saint Katharine Docks Company to raise further money.

xxiii. An Act to enable the Legal and General Life Assurance Society to sue and be sued in the name of a public officer, and to make provision as to the vesting of the funds and

property of the Society in the trustees from time to time of the Society; and for other purposes.

xxiv. An Act to authorise the Charnwood Forest Railway Company to divert portions of their authorised lines; and for other purposes.

xxv. An Act for the abandonment of the Nettlebridge Branch Railway authorised by the Somerset and Dorset Railway Act, 1873; and for other purposes.

xxvi. An Act for conferring further powers on the Torquay Gas Company.

xxvii. An Act to amend the Batley Corporation Waterworks Act, 1871, and other Acts affecting the Corporation of Batley; and for other purposes.

xxviii. An Act for reviving the powers and extending the time for the completion of a portion of the Railway and Works authorised by the Isle of Wight (Newport Junction) Railway Act, 1872; and for other purposes.

xxix. An Act to authorise Edward Cecil Guinness to construct certain Tramways in the City of Dublin; and for other purposes.

xxx. An Act for authorising the Manchester, Sheffield, and Lincolnshire Railway Company to make a new Branch Railway and other works; for conferring upon them additional powers; and for other purposes.

xxxi. An Act for empowering the West Lancashire Railway Company to provide and use Steam and other Vessels; and for other purposes.

xxxii. An Act to confer further powers on the Commissioners acting in the execution of "An Act for draining and pre- "serving certain fen lands and low grounds in the parish of "Wiggenhall Saint Mary Magdalen, in the county of Nor- "folk; and other purposes."

xxxiii. An Act to provide for the cancelling of bond entered into under the Cannock Chase Railway (Extension) Act, 1862.

xxxiv. An Act to extend the powers of the Shrewsbury Gaslight Company.

xxxv. An Act to revive and extend the powers of the Cleveland Extension Mineral Railway Company.

xxxvi. An Act for authorising the East Norfolk Railway Company to raise further money for their main line, for constituting their Aylsham Extension capital a separate capital, for the abandonment of their Wroxham Quay Branch; and for other purposes.

P. xxxvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Abing-

don, the Rural Sanitary District of the Abingdon Union, the Local Government Districts of Brampton and Walton, Buxton, and Dalton-in-Furness, the Rural Sanitary District of the Headington Union, the City of Lincoln, the Rural Sanitary District of the Loughborough Union, the Local Government District of Newtown and Llanllwchaiarn, the Boroughs of Saint Helens and Southport, and the City of Worcester.

P. xxxviii. An Act to confirm two Provisional Orders under the Drainage and Improvement of Lands Ireland Act, 1863, and the Acts amending the same, relating to "Ward River and River Suck Drainage Districts."

xxxix. An Act to amend the Borrowstounness Town and Harbour Act, 1875; to constitute a new Harbour Commission; and for other purposes.

xl. An Act to enable the Great Yarmouth and Stalham (Light) Railway Company to construct a new Railway and other works; and for other purposes.

xli. An Act for incorporating the Marske and Saltburn Gas Company, and authorising them to supply with Gas certain parts of the Parish of Marske in the North Riding of the County of York, and to amalgamate with the Redcar and Coatham Gas Company; and for other purposes.

xlii. An Act to provide for the better care and management of Closed Burial Grounds in the borough of Birmingham; and for other purposes.

xliii. An Act for extending the district within which the York United Gaslight Company may supply gas, for empowering them to construct additional works and to raise additional capital; and for other purposes.

xliv. An Act to extend the time for the completion of the works authorised by the Truro Water Act, 1875.

xlv. An Act for granting further powers to the Nottingham Waterworks Company.

xlvi. An Act for extending the time limited by the Pegwell Bay Reclamation and Sandwich Haven Improvement Act, 1873, and the Pegwell Bay Reclamation and Sandwich Haven Improvement (Amendment) Act, 1876, for the purchase of land and the completion of works.

xlvii. An Act to authorise the Trustees of the Clyde Navigation to construct Ferry Works and establish a Ferry at Stobcross, in the Harbour of Glasgow, to levy and alter rates, and to borrow money; and for other purposes.

xlviii. An Act to re-incorporate with further powers the Lewes Gaslight Company.

xlix. An Act to dissolve the Lea Bridge District Gaslight and Coke Company, Limited, and to re-incorporate the same Company with powers to supply Gas in the parish of Walthamstow and part of the parish of Leyton.

l. An Act to enable the Scarborough Waterworks Company to extend their limits of supply, construct new works; and for other purposes.

li. An Act to enable the Pacific Steam Navigation Company to reduce their Capital and to invest Moneys; and for other purposes.

lii. An Act to incorporate the Preston Tramways Company, and to authorise the construction of Tramways in the Borough of Preston and the adjacent Township of Fulwood, both in the County of Lancaster; and for other purposes.

liii. An Act for the amalgamation of the Scottish Union Insurance Company and the Scottish National Insurance Company, and for the incorporation of the amalgamated Companies by the name of "The Scottish Union and National Insurance Company;" and for other purposes.

liv. An Act to authorise the Hull Street Tramways Company to raise additional Capital, to increase the number of Directors of the Company; and for other purposes.

lv. An Act to provide for the appointment and remuneration of separate Stipendiary Justices for the division of Manchester, in the county of Lancaster, and for the borough of Salford, in the same county; and for other purposes.

P. lvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bognor Gas, Dysynni Gas, Elland Gas, Formby Gas, Godalming Gas, Greenhithe Gas, Sandown Gas, Shanklin Gas, Weston-super-Mare Gas, Alcester Water, Cuckfield, Haywards-Heath, and Lindfield Water, Fowey Water, Frith Hill, Godalming, and Farncombe Water, Holywell and District Water, Newquay Water, Norwood (Middlesex) Water, Wokingham Water, Hoylake and West Kirby Gas and Water, New Tredegar Gas and Water, and Walton-on-the-Naze Gas and Water.

P. lvii. An Act to confirm certain Provisional Orders of the Local Government Board under the Provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Borough of Droitwich, the Local Government District of Ilkeston, the Borough of Saffron Walden, and the Local Government District of Tow Law.

P. lviii. An Act to confirm a Provisional Order made by the

Education Department under "The Elementary Education Act, 1870," to enable the School Board for Mickleover, in the county of Derby, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

lix. An Act for authorising the transfer to the Bristol Port and Channel Dock Company of the undertaking of the Bristol Port and Channel Dock Warehouse Company (Limited); for making further provision as to the Capital of the first-mentioned Company; and for other purposes.

lx. An Act to confer powers on the Lord Provost, Magistrates, and Council of the city of Glasgow with respect to Public Parks, Museums, and Galleries in the said city; and for other purposes.

lxi. An Act for extending the limits of the Town of Burton-upon-Trent Act, 1853; for incorporating the Commissioners under that Act; for enabling them to construct Flood Embankments, Gasworks, Cemetery, and Markets; and for other purposes.

lxii. An Act for empowering the Local Board for the District of Westhoughton, in the county of Lancaster, to provide their district with a supply of Water; and for other purposes.

lxiii. An Act to authorise the Local Board for the District of Dalton-in-Furness to purchase so much of the Gas Undertaking of the Mayor, Aldermen, and Burgesses of the Borough of Barrow-in-Furness as relates to the supply of Gas within the District of the Board; to purchase the Dalton Gasworks; to erect Gasworks and to manufacture and supply Gas within their District; to make improvements of Streets; to define and extend the powers of the Board in relation to the improvement of the District; and for other purposes.

lxiv. An Act to confer powers on the Forth Bridge Railway Company, and on the North British, the Midland, the North-eastern, and the Great Northern Railway Companies, with reference to the Forth Bridge Railways; and for other purposes.

lxv. An Act for authorising the making of a New Street in continuation of Pall Mall and Ray Street, in the borough of Liverpool; and for other purposes.

lxvi. An Act to extend the limits of supply of the South Hants Waterworks Company, and to enable them to raise additional Capital.

lxvii. An Act for incorporating a Company for supplying with Water and Gas parts of the parishes of Bedwellty, in

the county of Monmouth, and Llangunnyder, otherwise Llangynnider, in the county of Brecon; and for other purposes.

lxviii. An Act to vest Conway Bridge in Commissioners, to provide for the Maintenance and Repair thereof, the reduction of the Tolls, and for other purposes.

lxix. An Act to provide for the improvement and disposal of the Common Lands of Govan in the county of Lanark, and the application of the prices thereof; and for other purposes.

lxx. An Act to authorise the Trustees of the Port and Harbour of Alloa to borrow additional Money; and for other purposes.

lxxi. An Act for the Enlargement and Improvement of the Harbour of Newhaven in Sussex, and for the Construction of a Dock and other Works there.

lxxii. An Act to enable the London, Brighton, and South Coast Railway Company to complete and construct Railways between Croydon, Oxted, and East Grinstead, and to acquire the Lewes and East Grinstead Railway; to confer powers on the South-eastern Railway Company; and for other purposes.

lxxiii. An Act to empower the Local Boards of Health for the Districts of Cockermouth and Workington, and the Cockermouth Union Rural Sanitary Authority, in the county of Cumberland, to take water from Crummock Lake for supply within their respective Districts; and for other purposes.

lxxiv. An Act to confer further powers upon the London, Brighton, and South Coast Railway Company, and to enable them to purchase the Hayling Bridge and Causeway.

lxxv. An Act for authorising the Corporation of Scarborough to purchase the Undertaking of the Scarborough Waterworks Company, and to supply with Water the Borough of Scarborough, and other places; and for other purposes.

lxxvi. An Act for incorporating the East Grinstead Gas and Water Company; and for other purposes.

lxxvii. An Act to authorise the Rhondda Valley and Hirwain Junction Railway Company to abandon certain of their authorised Railways; to lease so much of their Railway as has been constructed to the Taff Vale Railway Company; to reduce the capital of the Company; and to regulate their affairs.

lxxviii. An Act for dissolving the Hemel Hempsted and Boxmoor Gas and Coke Company (Limited) and the Boxmoor, Two Waters, and Crouchfield Gas and Coke Company

(Limited), and incorporating the shareholders of those Companies into a company for supplying gas to Hemel Hempsted and certain neighbouring places in the county of Hertford; and for other purposes.

lxxix. An Act to provide for the erection of Municipal Buildings in the city of Glasgow; and for other purposes.

lxxx. An Act to enable the Local Board for the district of Bedlingtonshire in the county of Northumberland to acquire water rights for the purposes of their water undertaking.

lxxxi. An Act to vary and amend the provisions of the South Staffordshire Mines Drainage Act, 1873.

lxxxii. An Act to sanction certain proceedings of the Blackpool Pier Company (Limited) with reference to the construction of works, and to dissolve and re-incorporate and confer further powers on the Company; and for other purposes.

lxxxiii. An Act to alter the Constitution of the Llanelly Harbour and Burry Navigation Commissioners: to enable them, with the consent of the Local Board for the District of the Borough of Llanelly, to raise moneys; to amend the Law relating to the said Local Board: and for other purposes.

lxxxiv. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of Clitheroe, in the county of Lancaster, to acquire the Undertakings of the Clitheroe Gas Company and the Clithero Waterworks Company; to construct additional Waterworks; to erect a Market; to widen and improve the Streets of the said Borough; and for other purposes.

lxxxv. An Act for the abandonment of the Railways authorised by the Nettlebridge Valley Railway Act, 1874; and for other purposes.

lxxxvi. An Act for conferring on the Tees Conservancy Commissioners further powers in relation to the borrowing of money and the levying of tolls, rates, and dues; and for other purposes.

lxxxvii. An Act for making a Railway from the Great Northern Railway to Market Deeping; and for other purposes.

lxxxviii. An Act to provide for the closing of the undertaking of the Company of Proprietors of the Navigation from Sleaford Castle Causeway to the River Witham in the county of Lincoln, and for the dissolution of the Company; and for other purposes.

lxxxix. An Act for making a Railway from Stranraer to New

England Bay, in the county of Wigtown; and for other purposes.

xc. An Act to authorise the Great Eastern Railway Company to raise capital for carrying into effect an arrangement with the Great Northern Railway Company with respect to an extension of their system to the railways of several other companies in Lincolnshire and Yorkshire; and for other purposes.

xci. An Act for enabling the Mayor, Aldermen, and Burgesses of the borough of Nottingham to construct additional Gasworks; to make a New Road; and for other purposes.

xcii. An Act to empower the Southport Waterworks Company to construct additional Works, to extend their Limits of Supply, to raise additional Capital, to amend and enlarge the provisions of the Southport Waterworks Act, 1854, the Southport Waterworks Act, 1856, the Southport Waterworks Act, 1867, and the Southport Waterworks Act, 1870; and for other purposes.

xciii. An Act to provide for the winding up of the Merrybent and Darlington Railway.

xciv. An Act to authorise the construction of Tramways in the Burgh of Dundee, and for the transference of the Turnpike Roads within the Burgh to the Police Commissioners, and the abolition of Tolls; and for other purposes.

xcv. An Act for vesting in the Furness Railway Company jointly with the London and North-western Railway Company the Whitehaven, Cleator, and Egremont Railway; and for other purposes.

xcvi. An Act for conferring additional powers on the Midland Railway Company for the construction of railways and other works, the acquisition of lands, and the raising of capital, and for vesting in them the undertaking of the Stonehouse and Nailsworth Railway Company; for conferring powers on the Sheffield and Midland Railway Companies Committee for the acquisition of a private railway and additional lands; and for other purposes.

xcvii. An Act to confer further powers upon the Wigan Junction Railways Company; to authorise the Manchester, Sheffield, and Lincolnshire Railway Company to subscribe to the undertaking of and to enter into arrangements with the Wigan Junction Railways Company; and for other purposes.

xcviii. An Act to enable the Great Northern Railway Company to extend their Railway from Spalding to Lincoln; and for other purposes.

xcix. An Act to revive the powers and extend the periods for the compulsory purchase of Lands and for the Construction

of the Railway authorised by the Staines and West Drayton Railway Act, 1873.

c. An Act to extend the Municipal Boundaries of the City of Glasgow; and for other purposes.

ci. An Act for empowering the London and North-western Railway Company to construct a new Railway, and to widen a portion of an existing Railway, in the West Riding of the county of York; and for other purposes.

cii. An Act for improving and maintaining the Harbour of Fraserburgh.

P. ciii. An Act to confirm a Provisional Order under the General Police and Improvement (Scotland) Act, 1862, relating to the Burgh of Paisley.

P. civ. An Act to confirm certain Provisional Orders of the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, relating to the Parishes of Birmingham and Boldre, and to the Townships of Old Accrington and New Accrington, and certain Orders of the Local Government Board under the provisions of the Divided Parishes and Poor Law Amendment Act, 1876, relating to the Parishes of Bolnhurst, Keysoe, Little Staughton, Minster, Pertenhall, and Saint Lawrence.

P. cv. An Act to confirm certain Provisional Orders of the Local Government Board under the provisions of the Artisans and Labourers Dwellings Improvement Act, 1875, relating to the Boroughs of Devonport and Newcastle-upon-Tyne.

P. cvi. An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, relating to the burgh of Lochgelly, in the county of Fife.

P. cvii. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for Portsmouth to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

P. cviii. An Act to confirm a Provisional Order of the Local Government Board for Ireland under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, relating to the Borough of Cork.

P. cix. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Belper Union, the Borough of Burnley, the Rural Sanitary District of the Chesterfield Union (two), the Local Government District of Ilkeston, the Improvement Act District of Lytham, the Port of Milford, the Local Government District of Rhymney, the Rural Sanitary District of the Rugby Union, the Local Government District of Ryton,

the Rural Sanitary District of the Saint Asaph Union, the Port of Sunderland, the Borough of Swansea, and the Local Government District of Tunbridge Wells.

P. cx. An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act 1870, to enable the School Boards for Birmingham, Lewannick (Cornwall), and Mold (Flint) to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

P. cxi. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

P. cxii. An Act to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Unhealthy Areas within the Metropolis.

P. cxiii. An Act to confirm the Provisional Order for the inclosure of certain Lands situated in the parish of Orford, in the county of Suffolk, in pursuance of a report of the Inclosure Commissioners for England and Wales.

P cxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Auchenlochan (Kyles of Bute), Carrick Castle (Loch Goil), Conway, Falmouth, Filey, Folkestone, Hythe (Southampton), Margate, Plymouth, Port Seton, Sea View (Isle of Wight), Shanklin, Southend, South Uist, and Walton-on-the-Naze.

P. cxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Ardglass, Boddam, Lochmaddy, Montrose, Southsea, and Youghal.

P. cxvi. An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Town of Dungarvan, and to the Burial Grounds of Barnahely and Templerobin in the County of Cork, and to the Town of Tralee, and to Waterworks in the Town of Tralee.

cxvii. An Act for empowering the Ballymena, Cushendall, and Redbay Railway Company to make certain new Railways; to acquire additional Lands; to divide their Shares; and for othes purposes.

cxviii. An Act to empower the Belfast and Northern Counties Railway Company to construct a Loop Line of Railway; to subscribe a further sum to the Undertaking of the Bally-

mena, Cushendall, and Redbay Railway; to purchase additional Lands; and for other purposes.

cxix. An Act to authorise the Local Board of Health for the district of Bangor, in the county of Carnarvon, to acquire the undertaking of the Bangor Water and Gas Company, and to supply the parishes of Bangor, Llandegai, and Llanllechid with water, and the parishes of Bangor and Llandegai with gas; and for other purposes.

cxx. An Act to extend the powers of the Corporation of the Borough of Jarrow, in the County of Durham, with respect to the Local Government and Improvement of the Borough; and for other purposes.

cxxi. An Act for preventing and repressing Juvenile Delinquency in the city of Glasgow.

cxxii. An Act to transfer to the Town Commissioners of Newry the undertaking of the Newry Gas Consumers Company, Limited.

cxxiii. An Act to amend the Acts relating to the Southern Railway Company with respect to the raising of Capital and the time for the completion of the authorised Railways and Works of the Company.

cxxiv. An Act to confer further powers on the Waterford and Central Ireland Railway Company with respect to their separate and original undertakings; and for other purposes.

cxxv. An Act authorising the construction of a Bridge over the River Taff at Cardiff, and of certain approach and other roads in connexion therewith; the levying of tolls; and for other purposes.

cxxvi. An Act for authorising the sale or lease to the London and South-western Railway Company of the Undertaking of the Staines, Wokingham, and Woking Railway Company, or the amalgamation of the two Undertakings; to make further provision with respect to the sale or transfer of the Salisbury and Yeovil Railway to the London and South-western Railway Company; and for other purposes.

cxxvii. An Act to enable the Corporation of London to acquire and hold and manage as open spaces Lands in the neighbourhood of London; and for other purposes.

cxxviii. An Act for making provisions as to the application of the money deposited in respect of the application to Parliament for the Bradford Tramways Act, 1873, and for relieving the Bradford Tramways Company from liability in respect of the non-construction of their authorised Tramways.

cxxix. An Act to authorise the Cleator and Workington Junction Railway Company to extend their authorised

Railway to the Rowrah and Kelton Fell Mineral Railway; and for other purposes.

cxxx. An Act to empower the Manchester South Junction and Altrincham Railway Company to widen and improve a portion of their Railway, and to acquire lands for the purposes thereof, and to raise additional Capital, and to empower the London and North-western and the Manchester, Sheffield, and Lincolnshire Railway Companies to contribute such capital; and for other purposes.

cxxxi. An Act for empowering the Mayor, Aldermen, and Burgesses of the borough of Stoke-upon-Trent, in the county of Stafford, and the Local Board of Fenton, in the same county, to make and supply Gas; and for carrying into effect an Agreement with the Stoke, Fenton, and Longton Gas Company for the purchase of that Company's undertaking; and for other purposes.

cxxxii. An Act to vest in the Mayor, Aldermen, and Burgesses of the borough of Leicester the Undertakings of the Leicester Gas Company and the Leicester Waterworks Company; and for other purposes.

cxxxiii. An Act to enable the Mayor, Aldermen, and Burgesses of the borough of Bradford, in the west riding of the county of York, to construct and maintain additional works for the storage and supply of water; to enlarge the time for completing waterworks already authorised; to construct and maintain additional works for the storage and supply of Gas; to effect public improvements; and for other purposes.

cxxxiv. An Act to enable the Grand Junction Waterworks Company to raise further moneys, and to amend in certain respects the Acts relating to that Company.

cxxxv. An Act for incorporating and conferring Powers on the Lichfield Gas Company.

cxxxvi. An Act for extending the limits of supply of the Trowbridge Water Company, and for authorising the Company to construct further works, and to raise further money; and for other purposes.

cxxxvii. An Act for extending the Municipal and Police Boundaries of the burgh of Hamilton in the county of Lanark; for authorising the making of new streets, the improvement of existing streets, and the construction of additional waterworks; for providing for the improvement and good government of the burgh; for regulating the supply of gas and water thereto; and for other purposes.

cxxxviii. An Act for enabling the Great Southern and Western Railway Company to construct a new or substituted Railway at Cork; to acquire additional Lands for the purposes

of their undertaking; to raise and widen certain of their Bridges; to reduce the number of Directors; and for other purposes.

cxxxix. An Act for making a railway between the town of Limavady, in the county of Londonderry, and the town of Dungiven, in the same county; and for other purposes.

cxl. An Act to authorise the North British Railway Company to make several railways in the counties of Forfar and Lanark, to widen parts of their Glasgow and Coatbridge and Peebles Railways, to acquire additional lands for station purposes, to advance money for the purposes of the Borrowstounness Town and Harbour Act, 1875; to make further provisions with respect to the Consolidation of Lien Stocks; and for other purposes.

cxli. An Act for incorporating the Manchester Suburban Tramways Company, and for empowering them to construct Tramways in the neighbourhood of Manchester; and for other purposes.

cxlii. An Act for the abandonment of one of the Railways authorised by the Taff Vale Railway Act, 1873, and for the extension of time for the completion of certain other of the railways thereby authorised.

cxliii. An Act to extend the time limited for the compulsory purchase of lands and completion of the Railway and Works authorised by the Ramsey and Somersham Junction Railway Act, 1875; and for other purposes.

cxliv. An Act for empowering the Cardiff Waterworks Company to construct additional Works, and to raise additional Capital; and for other purposes.

cxlv. An Act for effecting a transfer to the Metropolitan Board of Works of the open spaces known as Plumstead Common and Shoulder-of-Mutton Green, and for enabling them to preserve, improve, and regulate the same, and to erect a lodge upon Blackheath.

cxlvi. An Act to enable the Neath Harbour Commissioners to raise further Capital, to authorise and confirm Agreements between them and the Corporation of Neath, and the Great Western, the South Wales Mineral, and the Neath and Brecon Railway Companies; and for other purposes.

cxlvii. An Act to amend the Swansea Improvements and Tramways Acts, 1874, and to confer further powers upon the Swansea Improvements and Tramways Company; and for other purposes.

cxlviii. An Act to revive and extend the powers of the Clare Slob Land Reclamation Company; and for other purposes.

cxlix. An Act to empower the Dublin Tramways Company

to construct further new Tramways; and for other purposes.

cl. An Act for making a Railway from the Stobcross Railway to Yoker and Clydebank, with branches therefrom; and for other purposes.

cli. An Act to confer further Powers on the Great Northern Railway Company.

clii. An Act to confer further Powers on the Dudley and Oldbury Junction Railway Company.

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cliv. An Act to enable the Metropolitan District Railway Company to extend their Railway to the Thames at Fulham; and for other purposes connected with the said Company.

clv. An Act for authorising the Great Eastern Railway Company to execute additional Works and to enter into various Agreements, and for conferring on them further Powers in relation to their Undertaking and Capital and the Undertakings of other Companies and parties; for amending their Acts in various particulars; and for other purposes.

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clvii. An Act for the formation and improvement of Drumcondra, Clonliffe, and Glasnevin township, comprising the districts of Drumcondra, Clonliffe, and Glasnevin, in the barony of Coolock and county of Dublin; and for other purposes.

clviii. An Act to authorise the construction of Tramways in and near the city of Dublin; and for other purposes.

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P. clxv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government District of Dawlish, the Rural Sanitary District of the Shardlow Union, and the Borough of Wigan.

P. clxvi. An Act for authorising the Commissioners of Her Majesty's Treasury to compound the Debt due to the Consolidated Fund in respect of Conway Bridge, and for other purposes relating thereto.

clxvii. An Act for authorising the Callander and Oban Railway Company to construct a Branch Railway to Oban Bay, with a Quay and Sea Wall and a Road there; and to make near Loch Awe a deviation of their authorised Railway; and to abandon the authorised Branch to Oban Bay and the authorised Pier there, and the portion of line for which the said deviation will be substituted; for extending the time for the completion of the main line between Dalmally and Oban; and for other purposes.

clxviii. An Act for incorporating the Cheadle Railway Company, and authorising them to make and maintain the Cheadle Railway; and for other purposes.

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clxxx. An Act to authorise the construction of New Streets and other works in the borough of Belfast, and to make further provision for the improvement and government of the borough; and for other purposes.

clxxxi. An Act for conferring further powers on the London

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clxxxiv. An Act for extending the boundaries of the borough of Newbury, in the county of Berks; for empowering the Corporation to acquire the undertaking of the Borough of Newbury Gaslight and Coke Company; and for other purposes.

clxxxv. An Act to authorise the Weston-super-Mare Improvement Commissioners to supply Water within the Urban Sanitary District of Weston-super-Mare and within the parishes of Uphill, Kewstoke, and Worle, in the county of Somerset, to purchase the undertaking of the Weston-super-Mare Waterworks Company; and for other purposes.

clxxxvi. An Act to extend the period limited by the Dover and Deal Railway Act, 1874, as extended by the Dover and Deal Railway Act, 1877, for the compulsory purchase of Lands authorised to be taken by the first-mentioned Act.

clxxxvii. An Act for incorporating and conferring powers on the Castleford and Whitwood Gaslight and Coke Company.

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clxxxix. An Act to enable the Dublin, Wicklow, and Wex-

ford Railway Company to construct a railway to the city of Waterford and certain branch railways and other works, and to confer further powers on the Company with reference to their Undertaking; and for other purposes.

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cxci. An Act to enable the Waterford and Limerick Railway Company to make an Extension Railway and other Works; and for other purposes.

cxcii. An Act to extend the time for completing the Letterkenny Railway; to revive some of the powers of purchasing Land for that Railway; and for other purposes.

cxciii. An Act to extend the District of the Improvement Commissioners and the Urban Sanitary Authority for the District of Ramsgate; to enable them to make a new Road; to provide for the severance of Ramsgate from the jurisdiction of the town and port of Sandwich; and for other purposes.

cxciv. An Act to authorise the Corporation of Stockton-on-Tees to construct a Quay and other Works; to borrow Moneys; and for other purposes.

cxcv. An Act to authorise the construction of a Railway in the county of Antrim from Ballymoney to Ballycastle; and for other purposes.

cxcvi. An Act for the better supplying with Water the Parliamentary Burgh of Forfar, and places adjacent; and for other purposes.

cxcvii. An Act to authorise the transfer of the Undertaking of the Mansfield Gaslight Company to the Mansfield Improvement Commissioners.

cxcviii. An Act for authorising the construction by the Mersey Docks and Harbour Board of Over-head or High Level Railways in connexion with their Docks on the Liverpool side of the River Mersey.

cxcix. An Act to extend the time for the completion of certain Works at Bermondsey; and for other purposes.

cc. An Act to provide for the cancelling of the Bond entered into under the Enniskillen, Bundoran, and Sligo Railway Act, 1862.

cci. An Act to confer further powers on the Navan and Kingscourt Railway Company; and for other purposes.

ccii. An Act to confer additional Powers upon the Bournemouth Gas and Water Company.

cciii. An Act for empowering the Mayor, Aldermen, and Burgesses of the Borough of Cheltenham to acquire the undertaking of the Cheltenham Waterworks Company, and for supplying with Water the Borough of Cheltenham and other places; and for other purposes.

cciv. An Act for conferring further powers on the Glasgow and South-western Railway Company for the construction of Works, the acquisition of Lands, and the raising of Money; and for making further provision for the construction of Works at the Harbour of Ayr; and for other purposes.

ccv. An Act for enabling the North-eastern Railway Company to construct a Railway from their Hull and Holderness Branch to Salt End in the East Riding of Yorkshire; and for other purposes.

ccvi. An Act to authorise the Waterford, Dungarvan, and Lismore Railway Company to extend their Railway from their present Terminus at Waterford into the city of Waterford; and for other purposes.

ccvii. An Act to amalgamate the Undertakings of the Great Western and South Devon Railway Companies; and for other purposes.

ccviii. An Act for empowering the Great Western Railway Company to make new railways, roads, and other works; for extending the time for the completion of authorised railways, and for the purchase of Lands for the same; for empowering the Great Western Railway Company to abandon the construction of certain authorised railways: for vesting in the Great Western Railway Company and the Severn Navigation Commissioners the Undertakings of the Gloucester and Worcester Horse Towing Path Company and the River Severn Horse Towing Path Extension Company; for vesting in the Great Western Railway Company and the Stratford-upon-Avon Railway Company the Undertaking of the Alcester Railway Company; for conferring further Powers upon the Great Western Railway Company and other companies in relation to their respective undertakings; for empowering the Great Western Railway Company to subscribe towards the Capital and Debenture Debt of the Worcester, Bromyard, and Leominster, the Mitcheldean Road and Forest of Dean Junction, the Malmesbury, and the Llynvi and Ogmore Railway Companies; and for other purposes.

ccix. An Act to amend and enlarge the provisions of the Warrington Waterworks Act, 1855, and the Warrington

Waterworks Act, 1868; to extend the limits of the Warrington Waterworks Company for the supply of Water; to enable the Company to construct additional Works, and to make further and better provision for supplying the Town and Borough of Warrington and the adjoining Districts with Water; and for other purposes.

ccx. An Act to amend the Acts relating to the Littleport and Downham District, and to provide for the making and maintaining of roads in the said district; and for other purposes.

P. ccxi. An Act to confirm a Provisional Order of the Local Government Board relating to the Darenth Valley Main Sewerage District.

P. ccxii. An Act for the appointment of Trustees to maintain certain works executed near the River Corrib, in the county of Galway; and for other purposes.

P. ccxiii. An Act for the Disafforestation of Epping Forest and the preservation and management of the uninclosed parts thereof as an Open Space for the recreation and enjoyment of the public; and for other purposes.

ccxiv. An Act for effecting an arrangement with respect to the mortgage and other debts of the Cork and Kinsale Junction Railway Company; and for other purposes.

ccxv. An Act for authorising the construction of Railways in the County of Glamorgan, to be called the Pontypridd, Caerphilly, and Newport Railway; and for other purposes.

ccxvi. An Act for conferring on the Conservators of the River Thames further Powers, and for extending and amending the Thames Acts, 1857 to 1870; and for other purposes.

ccxvii. An Act for making a Railway from the Ilen Valley Railway at Drimoleague to the Town of Bantry, all in the County of Cork; and for other purposes.

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ccxxi. An Act to further extend the respective periods for the compulsory purchase of lands for and for the completion of the works authorised by the Metropolitan Inner Circle Completion Act, 1874.

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ccxxv. An Act to authorise the Leominster and Bromyard Railway Company to construct a new railway; to extend the time for the purchase of certain lands and completion of line authorised by former Act; and for other purposes.

ccxxvi. An Act to extend the time for the completion of the Portishead Docks; and for other purposes.

ccxxvii. An Act to authorise the extension of the Ballymena and Larne Railway, in the County of Antrim, and to confer further powers in relation to that undertaking.

ccxxviii. An Act for making a Bridge over the River Severn from Newnham to Arlingham in the County of Gloucester, with approaches thereto; and for other purposes.

ccxxix. An Act for incorporating the Princetown Railway Company; and for other purposes.

ccxxx. An Act for amending the Acts relating to the Waterford and Wexford Railway Company.

P. ccxxxi. An Act to confirm, with amendments, certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Aldershot and Farnborough Tramways, Bolton and Suburban Tramways, Gloucester Tramways, Moss Side Local Board Tramways, Newton Heath Local Board Tramways, Reading Tramways, Sunderland Tramways, Wavertree Local Board Tramways, West Derby Local Board Tramways, and Wolverhampton Tramways (Extension).

P. ccxxxii. An Act to confirm, with amendments, a Provisional Order made by the Board of Trade under the Tramways Act, 1870, relating to Glasgow and Ibrox Tramway.

P. ccxxxiii. An Act to confirm the Provisional Orders for the Inclosure of certain lands in pursuance of Reports of the Inclosure Commissioners for England and Wales.

ccxxxiv. An Act to authorise the Aberdeen District Tramways Company to construct additional Tramways; and for other purposes.

ccxxxv. An Act to empower the Belfast Street Tramways Company to alter the gauge of their existing Tramways and

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ccxxxvi. An Act to incorporate the Boston District Tramways Company, and to authorise the construction of Tramways in and near the Town of Boston, and from Boston to Wrangle, in the County of Lincoln; and for other purposes.

ccxxxvii. An Act to confer further powers on the Glyn Valley Tramway Company; and for other purposes.

ccxxxviii. An Act to authorise the construction of Tramways in the Parish of Wallasey, in the County of Chester; and for other purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for authorising the Trustees of the Settled Estates of the Marquess of Exeter to raise moneys on the security of the Settled Estates, for the improvement thereof; and for other purposes.
2. An Act to confirm a partition made of certain hereditaments held upon the Trusts by the Will of Samuel Brooks, deceased, declared concerning the hereditaments comprised in the ninth schedule to the said Will, and the short title of which is intended to be Brooks Settled Estates Partition Confirmation Act, 1878.
3. An Act for giving effect to a compromise of suits affecting the Estates in the Counties of Westmeath and Dublin, in Ireland, late of Adolphus Cooke, deceased.
4. An Act for confirming certain Building Leases granted by the late Lord Stafford and the present Lord Stafford of lands in the Borough of Stafford and in the Parish of Castle Church in the County of Stafford, and in the Parish of Shifnal in the County of Salop, which are subject to the uses of a Settlement of the Family Estates of the said Lords Stafford, dated the sixth day of February one thousand eight hundred and thirty-three.
5. An Act to enable the Trustees of the Settlement of Lord Tredegar's Family Estates to take further Shares in the Alexandra (Newport) Dock Company, and for other purposes, and of which the short title is Lord Tredegar's Supplemental Estate Act, 1878.
6. An Act to confirm an Agreement of Compromise made with respect to an Estate or Farm called Pwllcarn and other hereditaments in the County of Glamorgan, and to provide for raising a sufficient sum for payment of purchase moneys, costs, and expenses in connexion with the said Agreement.
7. An Act to be intituled the Vane Tempest Settled Estate Act, 1878.

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TO

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41 & 42 VICTORIA.—A.D. 1878.

NOTE.—The capital letters placed after the chapter have the following signification:—

E.	*that the Act relates to*		England (and Wales, if it so extend).
S.	"	"	Scotland exclusively.
I.	"	"	Ireland exclusively.
E. & I.	"	"	England and Ireland.
E. & S.	"	"	England and Scotland.
U.K.	"	"	Great Britain and Ireland (and Colonies, if it so extend).
C.	"	"	The Colonies, or any of them.

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Expiring Laws Continuance; to continue various expiring Laws. [*See* p. 452, *post.*]	70.	U.K.
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Fiji Marriages; to remove doubts as to the validity of certain Marriages solemnised in the Islands of Fiji prior to their erection into a British Colony	61.	C.
Fines; to amend the Law regulating the Office of Clerk of Petty Sessions, and the Law relating to Fines, in Ireland; and for other purposes	69.	I.
Fisheries protection; for the protection of Freshwater Fish .	39.	E.
Foreign Jurisdiction; for extending and amending the Foreign Jurisdiction Acts (6 & 7 Vict. c. 94., 28 & 29 Vict. c 116., 29 & 30 Vict. c. 87., and 38 & 39 Vict. c. 85.) . .	67.	U.K.
Frauds on Creditors. *See* Bills of Sale.		
Freshwater Fisheries; for the protection of Freshwater Fish .	39.	E.
GAS and Water Orders Confirmation; to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bognor Gas, Dysynni Gas, Elland Gas, Formby Gas, Godalming Gas, Greenhithe Gas, Sandown Gas, Shanklin Gas, Weston-super-Mare Gas, Alcester Water, Cuckfield, Haywards-Heath, and Lindfield Water, Fowey Water, Frith Hill, Godalming, and Farncombe Water, Holywell and District Water, Newquay Water, Norwood (Middlesex) Water, Wokingham Water, Hoylake and West Kirby Gas and Water, New Tredegar Gas and Water, and Walton-on-the-Naze Gas and Water .	lvi.	E.
——— to confirm certain Provisional Orders of the Local Government Board under the Provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Borough of Droitwich, the Local Government District of Ilkeston, the Borough of Saffron Walden, and the Local Government District of Tow Law .	lvii.	E.
General Pier and Harbour Act, 1861. *See* Pier and Harbour Orders Confirmation.		
General Police and Improvement; to alter the time of electing Commissioners under the General Police and Improvement (Scotland) Act, 1862 (25 & 26 Vict. c. 101.)	30.	S.
——— (Order Confirmation); to confirm a Provisional Order under the General Police and Improvement (Scotland) Act, 1862 (25 & 26 Vict. c. 101.), relating to the Burgh of Paisley	ciii.	S.
Glebe Loans; to amend the Glebe Loan (Ireland) Amendment Act, 1875 (38 & 39 Vict. c. 30.)	6.	I.
HARBOUR Orders Confirmation. *See* Pier and Harbour Orders Confirmation.		
Hertford (County of); to amend the County of Hertford and Liberty of St Alban Act, 1874 (37 & 38 Vict. c. 45.) .	50.	E.
High Court of Justice. *See* Supreme Court of Judicature.		
Highways; to amend the Law relating to Highways in South Wales	34.	E.
——— for further regulating the use of Locomotives on Highways in Scotland	58.	S.
——— to amend the Law relating to Highways in England and the Acts relating to Locomotives on Roads, and for other purposes	77.	E.
Hospitals; to amend the Law relating to Endowed Schools and		

	Chap.	Relating to
Hospitals and other Endowed Institutions in Scotland; and for other purposes	48.	S.
Hotel-keepers. *See* Innkeepers.		
House Occupiers Disqualification Removal; to relieve certain Occupiers of Dwelling-houses from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their under-letting such Dwelling-houses for short terms	3.	E.
	5.	S.
IDIOTS, Imbeciles, &c. Relief; to make better provision for Idiots, Imbeciles, and other afflicted persons in Ireland	60.	I.
Improvement of Lands; to amend the Law relating to the Drainage and Improvement of Land in Ireland	59.	I.
——— *See also* Drainage and Improvement of Lands.		
Inclosure Acts. *See* Commons.		
India Office Provident Fund. *See* Elders Widows Fund.		
Infectious Diseases. *See* Contagious Diseases (Animals).		
Inland Revenue; to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. [Customs; Excise; Stamps; Taxes.]	15.	U.K.
Innkeepers; for the further relief of Innkeepers	38.	U.K.
——— to prohibit the Sale of Intoxicating Liquors on Sunday in Ireland	72.	I.
Intermediate Education; to promote Intermediate Education in Ireland	66.	I.
Intoxicating Liquors. *See* Sale of Liquors on Sunday.		
Ireland, Acts relating exclusively to. *See*—		
Acknowledgment of Deeds, &c.	Local Government Board's Orders Confirmation.	
Arranmore Polling District.	Lunatic Asylums.	
Corrib River.	Petty Sessions Clerks.	
Drainage and Improvement of Lands.	Poor Afflicted Persons Relief.	
Education.	Public Health.	
Fines.	Public Works Loans.	
Glebe Loans.	Sale of Liquors on Sunday.	
Idiots, Imbeciles, &c.	Statute Law Revision.	
Intermediate Education.	Supreme Court of Judicature.	
Linen and Yarn Halls, Dublin.		
Irish Church. *See* Glebe Loans.		
JUDICATURE, Court of. *See* Supreme Court of Judicature.		
Justice, Administration of. *See*—		
Acknowledgment of Deeds.	Petty Sessions Clerks.	
Bills of Exchange.	Prisons.	
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Debtors.	Statute Law Revision.	
Divorce Court.	Supreme Court of Judicature.	
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Liverpool Bishopric. *See* New Bishoprics.		
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Local Government Board's Orders Confirmation; to confirm cer-		

	Chap.	Relating to
tain Provisional Orders of the Local Government Board [under the Public Health Act, 1875, 38 & 39 Vict. c. 55.] relating to the City of Bristol, the Rural Sanitary District of Chester-le-Street Union, the Local Government District of Finchley, the Rural Sanitary District of the Newbury Union, and the Local Government Districts of Wallasey and West Derby	viii.	E.
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——— to confirm certain Provisional Orders of the Local Government Board under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Borough of Droitwich, the Local Government District of Ilkeston, the Borough of Saffron Walden, and the Local Government District of Tow Law .	lvii.	E.
——— to confirm certain Provisional Orders of the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, relating to the Parishes of Birmingham and Boldre, and to the Townships of Old Accrington and New Accrington, and certain Orders of the Local Government Board under the provisions of the Divided Parishes and Poor Law Amendment Act, 1876, relating to the Parishes of Bolnhurst, Keysoe, Little Staughton, Minster, Pertenhall, and Saint Lawrence	civ.	E.
——— to confirm certain Provisional Orders of the Local Government Board under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875 (38 & 39 Vict. c. 36), relating to the Boroughs of Devonport and Newcastle-upon-Tyne	cv.	E.
——— to confirm certain Provisional Orders of the Local Government Board (under the Public Health Act, 1875) relating to the Rural Sanitary District of the Belper Union, the Borough of Burnley, the Rural Sanitary District of the Chesterfield Union (two), the Local Government District of Ilkeston, the Improvement Act District of Lytham, the Port of Milford, the Local Government District of Rhymney, the Rural Sanitary District of the Rugby Union, the Local Government District of Ryton, the Rural Sanitary District of the Saint Asaph Union, the Port of Sunderland, the Borough of Swansea, and the Local Government District of Tunbridge Wells	cix.	E.
——— to confirm certain similar Orders relating to the Improvement Act District of Bournemouth, the Local Government District of Brotton, the Boroughs of Haverfordwest (two) and Liverpool, the Improvement Act District of Llandudno, the Local Government District of Lofthouse, the Lower Thames Valley Main Sewerage District, the Improvement Act District of Middleton and Tonge, the Local Government Districts of Pemberton, Romford, and Tyldesley-with-Shakerley (two), the Borough of Wakefield, the Improvement Act District of West Hartlepool, the Borough of Wigan, and the Local Government Districts of Wilmslow and Workington	clxii.	E.

	Chap.	Relating to
Local Government Board's Orders Confirmation; to confirm certain similar Orders relating to the Rural Sanitary District of the Abergavenny Union, the Improvement Act District of Bradford (Wilts), the Local Government District of Bigg, the Boroughs of Brighton and Cheltenham, the Local Government District of Ebbw Vale, the Improvement Act District of Leek, the Boroughs of Liverpool and Preston, the Local Government District of St. Columb, the Borough of Tiverton (two), the Local Government District of Tredegar, and the Special Drainage District of Washington .	clxiv.	E.
——— to confirm certain similar Orders relating to the Local Government District of Dawlish, the Rural Sanitary District of the Shardlow Union, and the Borough of Wigan . .	clxv.	E.
——— to confirm a Provisional Order of the Local Government Board relating to the Darenth Valley Main Sewerage District	ccxi.	E.
Local Government Board's (Ireland) Orders Confirmation: to confirm a Provisional Order of the Local Government Board for Ireland under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875 (38 & 39 Vict. c. 36.), relating to the Borough of Cork	cviii.	I.
——— for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Town of Dungarvan, and to the Burial Grounds of Barnahely and Templerobin, and to Waterworks in the Town of Tralee	cxvi.	I.
Locomotives on Roads; for further regulating the use of Locomotives on Highways in Scotland	58.	S.
——— to amend the Law relating to Highways in England and the Acts relating to Locomotives on Roads, and for other purposes	77.	E.
Lunatic Asylums; to amend the Public Works Loans (Ireland) Act. 1877 (40 & 41 Vict c. 27.), so far as relates to Lunatic Asylums	24.	I.
MARINE MUTINY; for the Regulation of her Majesty's Royal Marine Forces while on shore	10.	U.K.
Marriage of Duke of Connaught. *See* Connaught, Duke of		
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Marriages (Fiji); to remove doubts as to the validity of certain Marriages solemnised in the Islands of Fiji prior to their erection into a British Colony	61.	C.
Married Women (Acknowledgment of Deeds): to remove doubts concerning the due Acknowledgement of Deeds by Married Women in Ireland in certain cases	23.	I.
Matrimonial Causes; to amend the Matrimonial Causes Acts (22 & 53 Vict. c. 61., &c.)	19.	E.
Measures; to consolidate the Law relating to Weights and Measures	49.	U.K.
Mercantile Law Amendment Acts. *See* Bills of Exchange.		
Metropolis, &c. Improvement Provisional Orders Confirmation; to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State, under the Artizans and Labourers Dwellings Improvement Act, 1875, for the improvement of certain unhealthy areas within the Metropolis, [relating to Bowman's Buildings, Marylebone, and Essex Road, Islington]	cxii.	E.
Metropolis Management. *See* Metropolitan Board of Works.		
Metropolitan Board of Works; for conferring powers upon the Metropolitan Board of Works with respect to the Obelisk known as Cleopatra's Needle, and other Monuments .	29.	E.
———to amend the Metropolis Management Act, 1855 (18 & 19)		

	Chap.	Relating to
Vict. c. 120.), the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122.), and the Acts amending the same respectively	32.	E.
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Metropolitan Building Acts. *See* Metropolitan Board of Works.		
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Monuments (Metropolis); for conferring powers upon the Metropolitan Board of Works with respect to the Obelisk known as Cleopatra's Needle, and other Monuments	29.	E.
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New Bishoprics; to provide for the foundation of four new Bishoprics in England [Liverpool, Newcastle, Southwell, and Wakefield]	68.	E.
Newcastle Bishopric. *See* New Bishoprics.		
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——— to amend the Law relating to the Registration of Voters in Parliamentary Boroughs and the enrolment of Burgesses in Municipal Boroughs, and relating to certain rights of voting and proceedings before and appeals from Revising Barristers	26.	E.
——— to enable Returning Officers at Parliamentary Elections in Scotland to require Security for their expenses; and otherwise to amend the Law relating to such Expenses	41.	S.
——— to amend the Law in respect to the Polling District of Arranmore	75.	I.
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Pier and Harbour Orders Confirmation; to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861 (24 & 25 Vict. c. 45.) relating to Auchenlochan (Kyles of Bute), Carrick Castle (Loch Goil), Conway, Falmouth, Filey, Folkestone, Hythe (Southampton), Margate, Plymouth, Port Seton, Sea View (Isle of Wight), Shanklin, Southend, South Uist, and Walton-on-the-Naze	cxiv.	E. & S.

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Poor Law Amendment Act Provisional Orders; to confirm certain Provisional Orders of the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, relating to the Parishes of Birmingham and Boldre, and to the Townships of Old Accrington and New Accrington, and certain Orders of the Local Government Board under the provisions of the Divided Parishes and Poor Law Amendment Act, 1876, relating to the Parishes of Bolnhurst, Keysoe, Little Staughton, Minster, Pertenhall, and Saint Lawrence	civ.	E.
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Provisional Orders Confirmation. *See* Artizans and Labourers Dwellings. Commons. Drainage and Improvement of Lands. Education Department. Gas and Water. General Police and Improvement. Local Government Board. Local Government Board (Ireland). Piers and Harbours. Poor Law Amendment. Public Health. Tramways.		
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Public Works Loans; to grant money for the purpose of Loans by the Public Works Loan Commissioners and by the Commissioners of Public Works in Ireland, and to authorise the former Commissioners to compound and cancel certain Loans and interest, and to amend the Public Works Loans Act, 1875 (38 & 39 Vict. c. 89.)	18.	U.K.
——— to amend the Public Works Loans (Ireland) Act, 1877, (40 & 41 Vict. c. 27.), so far as relates to Lunatic Asylums	24.	I.
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Entail Amendment.	Prisons.	
General Police and Improvement.	Public Health.	
House Occupiers Disqualification Removal.	Public Parks.	
Locomotives on Roads.	Roads and Bridges.	
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South Wales Highways; to amend the Law relating to Highways in South Wales	34.	E.
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Stamps. *See* Customs and Inland Revenue.		
Statute Law Revision; for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary. [*See* p. 458, *post.*]	79.	U.K.
——— for Revision of the Statute Law of Ireland . .	57.	I.
Steam Threshing Machines; for the prevention of Accidents by Threshing Machines	12.	E.
Sunday. *See* Sale of Liquors on Sunday.		
Superannuation Allowances. *See* Prisons.		
Supply. *See* Consolidated Fund.		
Supreme Court of Judicature; to extend for a further limited period section thirty-four of the Supreme Court of Judicature Act, 1875 (38 & 39 Vict. c. 77.) . . .	35.	E.
——— to amend the Supreme Court of Judicature Act (Ireland), 1877 (40 & 41 Vict. c. 57.)	27.	I.
TAXES. *See* Customs and Inland Revenue.		
Telegraphs; to make further provision respecting the Post Office Telegraphs	76.	U.K.
Territorial Waters Jurisdiction; to regulate the Law relating to the Trial of Offences committed on the Sea within a certain distance of the Coasts of Her Majesty's Dominions . .	73.	U.K.
Threshing Machines; for the prevention of Accidents by Threshing Machines	12.	E.
Tithe Commutation; to amend and further extend the Acts for the Commutation of Tithes in England and Wales . .	42.	E.

	Chap.	Relating to
Tramways Orders Confirmation; to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870 (33 & 34 Vict. c. 78.), relating to Cardiff Tramways (Extensions), Manchester Corporation Tramways, Manchester Suburban Tramways, and Oldham Borough Tramways	clxiii.	E.
—— to confirm certain similar Orders relating to Aldershot and Farnborough Tramways, Bolton and Suburban Tramways, Gloucester Tramways, Moss Side Local Board Tramways, Newton Heath Local Board Tramways, Reading Tramways, Sunderland Tramways, Wavertree Local Board Tramways, West Derby Local Board Tramways, and Wolverhampton Tramways	ccxxxi.	E.
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Turnpike Acts Continuance; to continue certain Turnpike Acts and to repeal certain other Turnpike Acts	62.	E.
VOTING at Elections. *See* Parliamentary Elections and Electors.		
WAKEFIELD Bishopric. *See* New Bishoprics.		
War Office; to facilitate Improvements in the Organisation of the Admiralty and War Office by the retirement of Clerks from certain of the Civil Departments thereof	53.	U.K.
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Water Supply; to amend the Public Health Act, 1875 (38 & 39 Vict. c. 55.), so far as relates to the Supply of Water	25.	E.
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Workshops; to consolidate and amend the Law relating to Factories and Workshops	16.	U.K.

TABLES

SHOWING

THE EFFECT OF THE YEAR'S LEGISLATION.

TABLE A.—Acts of 41 & 42 Vict. (in order of Chapter), showing their effect on former Acts.

TABLE B.—Acts of former Sessions (in chronological order) Repealed and Amended by Acts of 41 & 42 Vict.

(A.)

Acts of 41 & 42 Vict. (in order of Chapter), showing their effect on former Acts.

CH.

1. Consolidated Fund (£6,000,000.) [U.K.]

2. Exchequer Bills and Bonds (£6,000,000.) [U.K.]
   Applies 29 & 30 Vict. c. 25., Exchequer Bills and Bonds Act, 1866.
   ,, 40 & 41 Vict. c. 2., Treasury Bills Act, 1877.

3. House Occupiers Disqualification Removal [E.]
   Amends 30 & 31 Vict. c. 102., Representation of the People Act, 1867.

4. Parliamentary Elections (Metropolis) [E.]
   Extends hours of Polling in Metropolitan Boroughs.

5. House Occupiers Disqualification Removal (Scotland) [S.]
   Amends 31 & 32 Vict. c. 48., Representation of the People (Scotland) Act, 1868.

6. Glebe Loan (Ireland) Amendment [I.]
   Amends 38 & 39 Vict. c. 30., and extends Time for Loans under 33 & 34 Vict. c. 112. and 34 & 35 Vict. c. 100. to 31st August 1880.

7. Exchequer Bonds (£1,000,000.) [U.K.]
   Applies 29 & 30 Vict. c. 25., Exchequer Bills and Bonds Act, 1866.

8. Public Parks (Scotland) [S.]
   Applies 30 & 31 Vict. c. 101., Public Health (Scotland) Act, 1867.
   ,, 38 & 39 Vict. c. 49., Artizans Dwellings (Scotland) Act, 1875.
   ,, 8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106., Lands Clauses (Scotland) Acts 1845 and 1860.
   ,, 28 & 29 Vict. c. 27., Costs (Provisional Orders) Act, 1865.
   ,, 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.

9. Consolidated Fund (£13,537,047, 6s. 5d.) [U.K.]

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

CH.

10. Mutiny [U.K.]
    Applies 26 & 27 Vict. c. 57., Regimental Debts Act, 1863.
    Amends 33 & 34 Vict. c. 67., Army Enlistment Act, 1870.

11. Marine Mutiny [U.K.]
    Repeals part of 10 & 11 Vict. c. 63., Marines Enlistment Act, 1847.

12. Threshing Machines [E.]
    Provides for the fencing of Steam Threshing Machines.

13. Bills of Exchange [U.K.]
    Removes doubts arising as to effect of a certain enactment in Mercantile Law Amendment Act, 19 & 20 Vict. c. 97. and Mercantile Law Amendment (Scotland) Act, 19 & 20 Vict. c. 60.

14. Baths and Washhouses [E.]
    Amends 9 & 10 Vict. c. 74. and 10 & 11 Vict. c. 61., Baths and Washhouses Acts, 1846 and 1847.
    Construes 38 & 39 Vict. c. 66., Statute Law Revision Act, 1875, and 38 & 39 Vict. c. 55., Public Health Act, 1875, with this Act.
    Applies 29 & 30 Vict. c. 31., Metropolis Local Management Act, 1866, as to Superannuation.

15. Customs and Inland Revenue [U.K.]
    Customs :—
        Continues Duties on Tea.
        Alters Duties, &c. on Tobacco under Customs Act, 1876, 39 & 40 Vict. c. 35., and Manufactured Tobacco Act, 1863, 26 & 27 Vict. c. 7.
        Amends 39 & 40 Vict c. 36., Customs Consolidation Act, 1876.
        Repeals part of 34 & 35 Vict. c. 103., Customs and Inland Revenue Act, 1871.
    Taxes :—
        Grants Duties of Income Tax, and applies existing Acts; provides also for collection of Income Tax, and Inhabited House Duties, and applies 32 & 33 Vict. c. 67., Valuation, Metropolis, Act, 1869.
        Amends the Law as to Inhabited Houses, and repeals section 11 of 32 & 33 Vict. c. 14.
        Transfers Serjeants Inn to City of London for purposes of Taxes, and amends 38 Geo. 3. c. 5.
    Excise :—
        Increases Duty on Dogs imposed by 30 & 31 Vict. c. 5., and repeals section 38. of 32 & 33 Vict. c. 14.
        Regulates Warehousing of British Spirits under 28 & 29 Vict. c. 98.
        Restricts use of Alkaline Salts in manufacture of Snuff, and explains 5 & 6 Vict. c. 93.
    Stamps :—
        Interprets 33 & 34 Vict. c. 97., as to Contract Notes.
        Repeals Duty on Certain Ecclesiastical Licenses.

16. Factories and Workshops [U.K.]
    Repeals (wholly) the following Acts relating to Factories and Workshops :—

42 Geo. 3. c. 73.	26 & 27 Vict. c. 40.
3 & 4 Will. 4. c. 103.	27 & 28 Vict. c. 48.
7 & 8 Vict. c. 15.	30 & 31 Vict. c. 103.
9 & 10 Vict. c. 40.	30 & 31 Vict. c. 146.
13 & 14 Vict. c. 54.	33 & 34 Vict. c. 62.
16 & 17 Vict. c. 104.	34 & 35 Vict. c. 19.
19 & 20 Vict. c. 38.	34 & 35 Vict. c. 104.
24 & 25 Vict. c. 117.	37 & 38 Vict. c. 44.

    Repeals part of section 19 of 29 & 30 Vict. c. 90., Sanitary Act, 1866.
    ,, parts of sections 4 and 91 of 38 & 39 Vict. c. 55., Public Health Act, 1875.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

CH.

Factories and Workshops [U.K.]—*continued.*
Repeals section 8 and part of section 48 of 39 & 40 Vict. c. 79., Elementary Education Act, 1876.
Applies 8 & 9 Vict. cc. 16., 17., Companies Clauses Acts, 1845.
,, 38 & 39 Vict. c. 13., Holidays Extension Act, 1875.
,, 33 & 34 Vict. c. 75., Elementary Education Act, 1870.
,, 36 & 37 Vict. c. 86., Elementary Education Act, 1873.
,, 39 & 40 Vict. c. 79., Elementary Education Act, 1876.
,, 29 & 30 Vict. c. 90., Public Health Act 1866.
,, 38 & 39 Vict. c. 55., Public Health Act, 1875.
,, 30 & 31 Vict. c. 101., Public Health (Scotland) Act, 1867.
,, 37 & 38 Vict. c. 93., Public Health (Ireland) Act, 1874.
,, 17 & 18 Vict. c. 80., } Registration of Births, &c., Acts, 1854 and
,, 26 & 27 Vict. c. 11., } 1863.
,, 11 & 12 Vict. c. 43. and 27 and 28 Vict. c. 53., Summary Jurisdiction and Procedure Acts.
,, 20 Geo. 2. c. 43., Appeals.
,, 38 & 39 Vict. c. 62., Summary Prosecutions Appeals (Scotland) Act, 1875.
,, 14 & 15 Vict. c. 90., Fines (Ireland) Act, 1851.
,, 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.

17. Adulteration of Seeds [U.K.]
Amends 32 & 33 Vict. c. 112., Adulteration of Seeds Act, 1869.

18. Public Works Loans [U.K.]
Amends 38 & 39 Vict. c. 89., Public Works Loans Act, 1875.
Compounds Debt due by Epping Sanitary Authority under 29 & 30 Vict. c. 90., Sanitary Act, 1866.
Repeals obligation of Public Works Loan Commissioners to take securities under Local Loans Act, 38 & 39 Vict. c. 83.
Applies 40 & 41 Vict. c. 27., Public Works Loans (Ireland) Act, 1877.

19. Matrimonial Causes [E.]
Amends 22 & 23 Vict. c. 61., Matrimonial Causes Act, 1859.
Empowers Court to order that wife be not bound to cohabit if husband convicted of an aggravated assault under 24 & 25 Vict. c. 100. s. 43.

20. Railway Returns (Continuous Brakes) [U.K.]
Applies 34 & 35 Vict. c. 78., Regulation of Railways Act, 1871.

21. Consolidated Fund (£7,500,000.) [U.K.]

22. Exchequer Bonds (£1,500,000.) [U.K.]
Applies 29 & 30 Vict. c. 25., Exchequer Bills and Bonds Act, 1866.

23. Acknowledgment of Deeds by Married Women (Ireland) [I.]
Recites 4 & 5 Will. 4. c. 92., Fines and Recoveries (Ireland).
,, 40 & 41 Vict. c. 46., County Officers and Courts (Ireland) Act, 1877.

24. Public Works Loans (Ireland) Act (1877) Amendment [I.]
Amends 40 & 41 Vict. c. 27., so far as relates to Lunatic Asylums.

25. Public Health (Water) [E.]
Amends 38 & 39 Vict. c. 55. (Public Health Act, 1875), and construes Act therewith.

26. Parliamentary and Municipal Registration [E.]
Amends 2 & 3 Will. 4. c. 45., Reform Act, 1832.
,, 30 & 31 Vict. c. 102., Representation of the People Act 1867.
,, 5 & 6 Will. 4. c. 76., Municipal Corporations Act, 1835.
,, 6 & 7 Vict. c. 18., Parliamentary Registration Act, 1843.
,, 32 & 33 Vict. c. 41. s. 19., Poor Rates Assessment, &c., Act, 1869.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

CH.

Parliamentary and Municipal Registration [E.]—*continued.*
Applies 38 & 39 Vict. c. 40., Municipal Elections Act, 1875.
,, s. 28 of 37 & 38 Vict c. 88., Births and Deaths Registration Act, 1874.
,, s. 7 and 8 of 28 & 29 Vict. c. 36., County Voters Registration Act, 1865.
,, s. 3 of 22 Vict. c. 35., Municipal Corporations Act, 1859.
,, s. 13 of 35 & 36 Vict. c. 33., Ballot Act, 1872.

27. Supreme Court of Judicature Act (Ireland), 1877, Amendment [I.]
Amends 40 & 41 Vict. c. 57., as to Constitution of Commissions of Assize.

28. Entail Amendment (Scotland) [S.]
Amends 38 & 39 Vict. c. 61., Entail Amendment (Scotland) Act, 1875.

29. Monuments (Metropolis) [E.]
Applies 18 & 19 Vict. c. 120. in respect to recovery of penalties for Injury to the Obelisk known as Cleopatra's Needle, &c.

30. General Police and Improvement (Scotland) Amendment [S.]
Repeals sections 50 and 51 of 25 & 26 Vict. c. 101., General Police and Improvement (Scotland) Act., 1862.

31. Bills of Sale [E.]
Repeals 17 & 18 Vict. c. 36., Bills of Sale Act, 1854.
,, 29 & 30 Vict. c. 96., Bills of Sale Act, 1866.
Applies 36 & 37 Vict c. 66. and 38 & 39 Vict. c. 77., Supreme Court of Judicature Acts, 1873 and 1875.

32. Metropolis Management and Building Acts Amendment [E.]
Amends 18 & 19 Vict. c. 120., Metropolis Management Act, 1855, and Acts amending the same.
,, 18 & 19 Vict. c. 122., Metropolitan Building Act, 1855. and Acts amending the same.
Saves 57 Geo. 3. c. xxix., Metropolis paving, &c.

33. Dentists [U.K.]
Applies 21 & 22 Vict. c. 90., Medical Act, 1858.
,, 5 & 6 Will. 4. c. 62., Oaths and Affirmation Act, 1835.
,, 11 & 12 Vict. c. 43., Summary Jurisdiction Act, 1848.
,, 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.
,, 27 & 28 Vict. c. 53., Summary Procedure (Scotland) Act, 1864.

34. South Wales Highway Act Amendment [E.]
Amends 23 & 24 Vict. c. 68., South Wales Highways Act, 1860.
Applies 10 & 11 Vict. c. 16., Commissioners Clauses Act, 1847.
,, 8 & 9 Vict. c. 18., Lands Clauses Act, 1845.

35. Supreme Court of Judicature (Officers) [E.]
Continues (until 1st Jan. 1880) section 34 of 38 & 39 Vict. c. 77., Supreme Court of Judicature Act, 1875.

36. Police (Expenses) Act Continuance [E. & S.]
Continues (until 1st Sept. 1879) 38 & 39 Vict. c. 48., Police (Expenses) Act, 1875.

37. Metropolitan Board of Works (Money) [E.]
Amends and applies Acts, 1869 to 1877; viz., 32 & 33 Vict. c. 102., 33 & 34 Vict. c. 24., 34 & 35 Vict. c. 47., 38 & 39 Vict. c. 65., 39 & 40 Vict. c. 55., and 40 & 41 Vict. c. 52.
Applies 18 & 19 Vict. c. 120. and 25 & 26 Vict. c. 102., Metropolis Management Acts, 1855 and 1862.
Applies 28 & 29 Vict. c. 90., Fire Brigade Act, 1865.
,, 35 & 36 Vict. c. clxiii., and ,, 40 & 41 Vict. c. ccxxxv., Metropolitan Street Improvements Acts, 1872 and 1877

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

CH.

Metropolitan Board of Works (Money)—*continued.*
Applies 36 & 37 Vict. c. lxxxvi., Metropolitan Commons Act, 1873 (Tooting Beck Common).
,, 38 & 39 Vict. c. clxxix., Metropolitan Board of Works Act, 1875 Tooting Graveney Common).
,, 41 & 42 Vict. c. cxlv., Metropolitan Board of Works Act, 1878 (Plumstead Common).
,, 24 & 25 Vict. c. 98., as to Forgery.

38. Innkeepers [U.K.]
Empowers Landlord, &c. to dispose of Goods left with him after Six Weeks.

39. Freshwater Fisheries [E.]
Amends and extends 24 & 25 Vict. c. 109., 28 & 29 Vict. c. 121., 36 & 37 Vict. c. 71., 39 & 40 Vict. c. 19., Salmon Fishery Acts, 1861 to 1876.
,, ,, 40 & 41 Vict, c. 65., Fisheries (Dynamite) Act, 1877.
Repeals part of 18 Geo. 3. c. 33. as to fishing in the Rivers Severn and Verniew.

40. Prisons Authorities Act Amendment [S.]
Removes Doubts as to application to Scotland of 37 & 38 Vict. c. 47., Prisons Authorities Act, 1874.

41. Parliamentary Elections, Returning Officers Expenses (Scotland) [S.]
Amends 35 & 36 Vict. c. 33., Ballot Act, 1872.

42. Commutation of Tithes [E.]
Amends 6 and 7 Will. 4. c. 71., 7 Will. 4 & 1 Vict. c. 69., 1 & 2 Vict. c. 64., 2 & 3 Vict. c. 62., 3 & 4 Vict. c. 15., 5 & 6 Vict. c. 54., 9 & 10 Vict. c. 73., and 23 & 24 Vict. c. 93.

43. Marriage Notice (Scotland) [S.]
Amends 17 & 18 Vict. c. 80., Registration of Births, &c. (Scotland).
Applies 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.

44. Truro Chapter [E.]
Amends 39 & 40 Vict. c, 54., Bishopric of Truro Act, 1876.
Transfers Canonry from Cathedral Church of Exeter to Cathedral Church of Truro

45. Consolidated Fund (£14,500,000) [U.K.]

46. Duke of Connaught and of Strathearn (Establishment) [U.K.]

47. Elders Widows Fund [C.]
Empowers Trustees of the Elders Widows Fund of late East India Company to transfer to the India Office Provident Fund the Sum of £3,317, 6s. 8d., with interest, &c.

48. Endowed Institutions (Scotland) [S.]
Amends Law relating to Endowed Schools and Hospitals, &c., in Scotland.

49. Weights and Measures [U.K.]
Repeals the following Acts and parts of Acts, subject to certain specified Re-enactments:—

31 Edw. 3. s. 1., chapter 2 of the Statute of Westminster.	5 & 6 Will. 4. c. 63.
6 Anne c. 11. (5 & 6 Anne c. 8. in Ruffhead), Article 17 of Act of Union.	16 & 17 Vict. c. 29.
15 Geo. 2. c. 20. s. 5.	16 & 17 Vict. c. 79. s. 5.
35 Geo. 3. c. 102.	18 & 19 Vict. c. 72.
36 Geo. 3. c. 85. s. 1. in part.	22 & 23 Vict. c. 56.
37 Geo. 3. c. 143.	23 & 24 Vict. c. 119.
55 Geo. 3. c. 43.	24 & 25 Vict. c. 75. s. 6.
5 Geo. 4. c. 74. (except section 25).	25 & 26 Vict. c. 76. in part.
6 Geo. 4. c. 12.	25 & 26 Vict. c. 102. s. 101.
	27 & 28 Vict. c. 117.
	29 & 30 Vict. c. 82.
	30 & 31 Vict. c. 94.
	33 & 34 Vict. c. 10. s. 17. in part.

Applies 11 & 12 Vict. c. 43., Summary Jurisdiction Act, 1848.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

CH.

Weights and Measures—*continued.*
Applies 27 & 28 Vict. c. 53., Summary Procedure Act 1864.
,, 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.

50. County of Hertford [E.]
Partly repeals 37 & 38 Vict. c. 45., County of Hertford and Liberty of St. Alban Act, 1874.

51. Roads and Bridges (Scotland) [S.]
Repeals 8 & 9 Vict. c. 41., 1 & 2 Will. 4. c. 43., } Except as to certain specified Re-enactments.
Repeals in part 25 & 26 Vict. c. liii., Edinburgh Roads and Streets Act, 1862.
Amends 26 & 27 Vict. c. ccxiv., Elgin and Nairn Roads, &c. Act, 1863.
,, 37 & 38 Vict. c. cxlvii., Forfarshire Roads Act, 1874.
Applies 25 & 26 Vict. c. 101., General Police and Improvement (Scotland) Act, 1862.
,, 25 & 26 Vict. c. 105., Highland Roads and Bridges Act, 1862.
,, 17 & 18 Vict. c. 91., Valuation (Scotland) Act, 1854.
,, 28 & 29 Vict. c. 27., Costs (Provisional Orders) Acts, 1865.
,, 8 & 9 Vict. c. 33., Railways Clauses Act, 1845.
,, 8 & 9 Vict. c. 19., Lands Clauses Act, 1845.
,, 31 & 32 Vict. c. 84., Entail (Scotland) Act, 1868.
,, 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
,, 38 & 39 Vict. c. 62., Summary Prosecution Appeals (Scotland) Act, 1875.

52. Public Health (Ireland) [I.]
Repeals the following enactments, viz.:—
*14 & 15 Vict. c. 28., *16 & 17 Vict. c. 41., 23 & 24 Vict. c. 26., } Common Lodging Houses Acts, 1851, 1853, and 1860.
17 & 18 Vict. c. 103. (in part), Towns Improvement (Ireland) Act, 1854.
*18 & 19 Vict. c. 116., Diseases Prevention Act, 1855.
*18 & 19 Vict. c. 121., *23 & 24 Vict. c. 77., *26 & 27 Vict. c. 117., *29 & 30 Vict. c. 41., } Nuisances Removal Acts, 1855, 1860, 1863, and 1865.
19 & 20 Vict. c. 98., 23 & 24 Vict. c. 76., } Burial Grounds (Ireland) Acts, 1856 and 1860.
*28 & 29 Vict. c. 75., *30 & 31 Vict. c. 113., } Sewage Utilization Acts, 1865 and 1867.
*29 & 30 Vict. c. 90., *31 & 32 Vict. c. 115., 36 & 37 Vict. c. 78., } Sanitary Acts, 1866, 1868, and 1873.
*32 & 33 Vict. c. 100., Sanitary Loans Act, 1869.
34 & 35 Vict. c. 109. (in part), 35 & 36 Vict. c. 69. (in part), 37 & 38 Vict. c. 93., Public Health (Ireland) Act, 1874. } Local Government (Ireland) Acts, 1871 and 1872.
Applies 3 & 4 Vict. c. 108., Municipal Corporations Act, 1840.
,, 29 & 30 Vict. c. 44., ,, 30 & 31 Vict. c. 28., } Labouring Classes Dwellings (Ireland) Acts, 1866 and 1867.
,, 31 & 32 Vict. c. 130., Artizans and Labourers Dwellings Act, 1868.
,, 26 & 27 Vict. c. 40., Bakehouse Regulation Act, 1863.
,, 18 & 19 Vict. c. 116., ,, 23 & 24 Vict. c. 77., } Diseases Prevention Acts, 1855, and 1860.
,, 29 & 30 Vict. c. 90., Sanitary Act, 1866.
,, 9 & 10 Vict. c. 87., Baths and Washhouses Act, 1846.
,, Lands Clauses Acts, 1845 and 1860.

* The Acts thus indicated (*) are repealed so far as relates to Ireland.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

CH.

Public Health (Ireland)—*continued.*
Applies Railways Clauses Acts, &c., 1851, 1860, and 1864.
,, Waterworks Clauses Acts, 1863 and 1847.
,, Companies Act, 1862.
,, Gas and Waterworks Facilities Act, 1870.
,, Markets and Fairs Clauses Act, 1847.
,, Towns Improvement Clauses Act, 1847.
,, Cemeteries Clauses Act, 1847.
,, Poor Law Acts, 1 & 2 Vict. c. 56, &c.
,, Summary Jurisdiction and Petty Sessions (Ireland) Acts, &c.

53. Admiralty and War Office Regulation [U.K.]
Empowers Treasury to award gratuities to retiring Clerks in the Admiralty and War Office, in addition to ordinary superannuation under 22 Vict. c. 26.
Applies National Debt Acts, 24 & 25 Vict. c. 14. and 26 & 27 Vict c. 87.

54. Debtors [E. & I.]
Amends 32 & 33 Vict. c. 62., Debtors Act, 1869.
,, 35 & 36 Vict. c. 57., Debtors (Ireland) Act, 1872.

55. British Museum [E.]
Amends 26 Geo. 2. c. 22., establishing the British Museum, and authorises removal of certain Collections to South Kensington.

56. Commons (Expenses) [E.]
Applies Inclosure Acts, 1845 to 1876.
Amends 39 & 40 Vict. c. 56., Commons Act, 1876.

57. Statute Law Revision (Ireland) [I.]
Repeals (with Savings) certain Enactments.

58. Locomotives Amendment (Scotland) [S.]
Amends 24 & 25 Vict. c. 70., } Locomotives Acts, 1861 and 1865, so far
,, 28 & 29 Vict. c. 83., } as relates to Scotland.
Applies 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
,, 38 & 39 Vict. c. 62., Summary Prosecution Appeals (Scotland) Act, 1875.

59. Drainage and improvement of Lands (Ireland) [I.]
Amends 26 & 27 Vict. c. 88., Drainage and Improvement of Lands (Ireland) Act, 1863.

60. Poor Afflicted Persons Relief (Ireland) [I.]
Empowers Guardians of the Poor to provide for reception of certain Paupers in suitable Institutions.

61. Fiji Marriages [C.]
Removes doubts as to validity of certain Marriages solemnised prior to 10th October 1874.

62. Annual Turnpike Acts Continuance [E.]
Repeals and continues certain Local Acts as set forth in the Schedule.

63. Prisons (Officers Superannuation) [U.K.]
Amends the Prisons Acts of 1877 (40 & 41 Vict. cc. 21, 49, and 53).

64. Exchequer Bonds and Bills (£2,000,000.) [U.K.]
Applies 29 & 30 Vict. c. 25., Exchequer Bonds and Bills, 1866.

65. Appropriation [U.K.]
Authorises issue out of Consolidated Fund of £21,556,807 7s. 5d., and appropriation of the same.

66. Intermediate Education (Ireland) [I.]
Establishes "The Intermediate Education Board for Ireland."
Authorises Commissioners under the Irish Church Act, 1869 (32 & 33 Vict. c. 42.), to provide not exceeding £1,000,000 for purposes of Act.

67. Foreign Jurisdiction [U.K.]
Construes Act with Foreign Jurisdiction Acts, 6 & 7 Vict. c. 94., 28 & 29 Vict. c. 116., 29 & 30 Vict. c. 87., and 38 & 39 Vict. c. 85.
Repeals 6 & 7 Vict. c. 80., China.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

CH.

Foreign Jurisdiction—*continued.*
Repeals section 7 of 6 & 7 Vict. c. 94., Foreign Jurisdiction Act, 1843.
Applies 28 & 29 Vict. c. 63., Colonial Laws Validity Act, 1865.
,, enactments set out in First Schedule.

68. Bishoprics [E.]
Applies Queen Anne's Bounty Acts, 2 & 3 Anne c. 11. and 43 Geo. 3. c. 107.
Amends 38 & 39 Vict. c. 34., Bishopric of St Albans Act, 1875.

69. Petty Sessions Clerks and Fines (Ireland) [I.]
Amends 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.
,, 21 & 22 Vict. c. 100., Petty Sessions Clerk (Ireland) Act, 1858.
Applies 14 & 15 Vict. c. 90., Fines (Ireland) Act, 1851.
,, 34 & 35 Vict. c. 65., Juries (Ireland) Act, 1871.
,, 40 & 41 Vict. c. 56., County Officers, &c. (Ireland) Act, 1877.
,, 22 Vict. c. 26., Superannuation Act, 1859.

70. Expiring Laws Continuance [U.K.]
Continues (as in Schedule) the following Acts, and Acts amending the same, viz.:—
5 & 6 Will. 4. c. 27., Linen, &c. Manufactures (Ireland).
3 & 4 Vict. c. 89., Poor Rates (Stock in Trade Exemption).
4 & 5 Vict. c. 35., Copyhold, &c. Commissions.
4 & 5 Vict. c. 59., Application of Highway Rates.
10 & 11 Vict. c. 32., Landed Property Improvement (Ireland).
10 & 11 Vict. c. 98., Ecclesiastical Jurisdiction.
11 & 12 Vict. c. 32., County Cess (Ireland).
14 & 15 Vict. c. 104., Episcopal, &c. Estates.
17 & 18 Vict. c. 102., Corrupt Practices Prevention.
23 & 24 Vict. c. 19., Dwellings for Labouring Classes (Ireland).
24 & 25 Vict. c. 109., Salmon Fishery (England).
25 & 26 Vict. c. 97., Salmon Fisheries (Scotland).
26 & 27 Vict. c. 105., Promissory Notes.
27 & 28 Vict. c. 9., Malt for Animals.
27 & 28 Vict. c. 20., Promissory Notes, &c. (Ireland).
28 & 29 Vict. c. 46., Militia Ballots Suspension.
28 & 29 Vict. c. 66., Malt Duty.
28 & 29 Vict. c. 83., Locomotives on Roads.
29 & 30 Vict. c. 52., Prosecution Expenses.
31 & 32 Vict. c. 125., Election Petitions, &c.
32 & 33 Vict. c. 21., Election Commissioners Expenses.
34 & 35 Vict. c. 87., Sunday Observance Prosecutions.
34 & 35 Vict. c. 105., Petroleum.
36 & 37 Vict. c. 48., Railway Commissioners.

71. Metropolitan Commons [E.]
Extends certain provisions of the Commons Act, 39 & 40 Vict. c. 56., to Metropolitan Commons under 29 & 30 Vict. c. 122. and 32 & 33 Vict. c. 107.
Empowers Metropolitan Board to acquire common rights under 18 & 19 Vict. c. 120.

72. Sale of Liquors on Sunday (Ireland) [I.]
Extends Acts prohibiting Sale of Intoxicating Liquors to the whole of Sunday, with certain exceptions.

73. Territorial Waters Jurisdiction [U.K.]
Amends the Law as to Jurisdiction of the Admiral.

74. Contagious Diseases (Animals) [U.K.]
Repeals (with Savings) the following Enactments relating to Contagious Diseases (Animals); viz:—
England and Scotland:—
32 & 33 Vict. c. 70. in part.
38 & 39 Vict. c. 75.
Ireland:—

11 & 12 Vict. c. 105.	33 & 34 Vict. c. 36.
11 & 12 Vict. c. 107.	35 & 36 Vict. c. 16.
16 & 17 Vict. c. 62.	37 & 38 Vict. c. 6.
29 & 30 Vict. c. 4.	39 & 40 Vict. c. 51.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

CH.

Contagious Diseases (Animals)—*continued.*
Applies Act to the Destructive Insects Act, 1877 (40 & 41 Vict. c. 68.) Instead of 32 & 33 Vict. c. 70., hereby repealed in part.
Applies 39 & 40 Vict. c. 36., Customs Consolidation Act, 1876.
,, 18 & 19 Vict. c. 120., Metropolis Management Act, 1855.
,, 5 & 6 Will. 4. c. 76., Municipal Corporations Act, 1835.
,, 10 & 11 Vict. c. 14., Markets and Fairs Clauses Act, 1867.
,, 38 & 39 Vict. c. 55., Public Health Act, 1875.
,, 41 & 42 Vict. c. 52., Public Health (Ireland) Act, 1878.
,, 30 & 31 Vict. c. 101., Public Health (Scotland) Act, 1867.
,, 38 & 39 Vict. c. 83., Local Loans Act, 1875.
,, 38 & 39 Vict. c. 58., Public Works Loans Act, 1875.
,, 39 & 40 Vict. c. 80. s. 34., Merchant Shipping Act, 1876.
,, 20 & 21 Vict. c. 72., Police (Scotland) Act, 1857.
,, 10 & 11 Vict. c. 16., Commissioners Clauses Act, 1847.
,, 11 & 12 Vict. c. 43., Summary Jurisdiction Act, 1848.
,, 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
,, 14 & 15 Vict. c. 93., Petty Sessions (Ireland), Act, 1851.

75. Arranmore Polling District [I.]
Provides for the Annexation of the polling district of Arranmore to that of Dungloe.

76. Telegraphs [U.K.]
Amends 26 & 27 Vict. c. 112., Telegraph Act, 1863.
Applies Telegraph Acts, 1863 to 1870.
,, 31 & 32 Vict. c. 119., Regulation of Railways Act, 1868.
,, 11 & 12 Vict. c. 43., Summary Jurisdiction Act, 1848.
,, 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
,, 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.

77. Highways and Locomotives [E.]
Amends 24 & 25 Vict. c. 70., ,, 28 & 29 Vict. c. 83., } Locomotives Acts, 1861 and 1865.
Repeals section 44 of 5 & 6 Will. 4 c. 50., Highway Act, 1835.
,, part of section 7 of 25 & 26 Vict. c. 61., Highway Act, 1862.
,, section 36 of 27 & 28 Vict. c. 101., Highway Act, 1864.
Applies 38 & 39 Vict. c. 55., Public Health Act, 1875.
,, 43 Geo. 3. c. 59., County Bridges.
,, 11 & 12 Vict. c. 43., Summary Jurisdiction Act, 1848.
,, Highway Acts, 1835, 1862, and 1864.
,, Metropolis Management Act, 1855.

78. Education (Scotland) [S.]
Amends 35 & 36 Vict. c. 62., Education (Scotland) Act, 1872.
Applies 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
,, 8 & 9 Vict. c. 19., Lands Clauses (Scotland) Act, 1845.

79. Statute Law Revision [U.K.]
Repeals (with Savings) the Enactments described in the first Schedule [*These Enactments will be found in their Chronological Order in Table B.—See p. 458 et seq.*]
Revives Enactments in Second Schedule (repealed by Statute Law Revision Acts, 1873 and 1875); viz:—
9 Geo. 4. c. 58., in part.
10 Geo. 4. c. 44., in part.
8 & 9 Vict. c. 100., in part.
9 & 10 Vict. c. 115., in part.
16 & 17 Vict. c. 67., in part.
Amends Statute Law Revision Act, 1875, as to partial Repeal of 29 & 30 Vict. c. 118.

(B.)

Acts of former Sessions (in Chronological Order) Repealed and Amended by Acts of 41 & 42 Vict.

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 41 & 42 Vict.
31 Edw. 3. st. 1. Statute of Westminster, c. 2.	Weights and Measures	Repealed	49
6 Anne c. 11. Art. 17. (5 & 6 Anne, c. 8. in Ruffhead.)	Act of Union with Scotland	Repealed	49
15 Geo. 2. c. 20. s. 5.	Counterfeiting of Gold and Silver Lace.	Repealed	49
26 Geo. 2. c. 22.	British Museum	Amended	55
18 Geo. 3. c. 33. in part.	Fishing in Rivers Severn and Verniew.	Repealed	39
35 Geo. 3. c. 102.	Use of Defective Weights	Repealed	49
36 Geo. 3. c. 85. s. 1. in pt.	For better regulations of Mills.	Repealed	49
37 Geo. 3. c. 143.	Use of Defective Weights, &c.	Repealed	49
38 Geo. 3. c. 5.	Land Tax	Amended	15
42 Geo. 3. c. 73.	Mills and Factories	Repealed	16
55 Geo. 3. c. 43.	Use of False and deficient Measures.	Repealed	49
5 Geo. 4. c. 74. (except s. 5.)	Weights and Measures	Repealed	49
6 Geo. 4. c. 12.	Weights and Measures	Repealed	49
1 & 2 Will. 4. c. 43.	Turnpike Roads (Scotland)	Repealed	51
2 & 3 Will. 4. c. 45.	Reform Act, 1832	Amended	26
3 & 4 Will. 4. c. 103.	Mills and Factories	Repealed	16
5 & 6 Will. 4. c. 50. s. 44.	Highways	Repealed	77
,, c. 63.	Weights and Measures	Repealed	49
,, c. 76.	Municipal Corporations	Amended	26
6 & 7 Will. 4. c. 71. 7 Will. 4. & 1 Vict. c. 69. 1 & 2 Vict. c. 64. 2 & 3 Vict. c. 62. 3 & 4 Vict. c. 15. 5 & 6 Vict. c. 54.	Commutation of Tithes	Amended	42
,, c. 93.	Manufacture of Snuff	Amended	15
6 & 7 Vict. c. 18.	Parliamentary Registration	Amended	26
,, c. 80.	China	Repealed	67
,, c. 94.	Foreign Jurisdiction	Amended	67
7 & 8 Vict. c. 15.	Factories	Repealed	16
8 & 9 Vict. c. 41.	Turnpike Roads (Scotland)	Repealed	51
9 & 10 Vict. c. 40.	Ropeworks	Repealed	16
,, c. 73.	Commutation of Tithes	Amended	42
,, c. 74.	Baths and Washhouses	Amended	14
10 & 11 Vict. c. 61.	Baths and Washhouses	Amended	14
,, c. 63.	Marines Enlistment	Amended	11
11 & 12 Vict. c. 105.	Importation of Sheep, Cattle, &c. (Ireland).	Repealed	74
,, c. 107.	Contagious Diseases (Animals).	Repealed	74

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 41 & 42 Vict.
13 & 14 Vict. c. 54. . .	Factories	Repealed	16
*14 & 15 Vict. c. 28. .	Common Lodging Houses .	Repealed	52
,, c. 93.	Petty Sessions (Ireland) .	Amended	69
16 & 17 Vict. c. 29. .	Weights used in Sales of Bullion.	Repealed	49
* ,, c. 41. . .	Common Lodging Houses .	Repealed	52
,, c. 62. . .	Cattle Disease (Ireland) .	Repealed	74
,, c. 79. s. 5. .	Municipal Corporations (England.)	Repealed	49
,, c. 104. .	Factories	Repealed	16
17 & 18 Vict. c. 36. . .	Bills of Sale . . .	Repealed	31
,, c. 80. . .	Registration of Births, &c. (Scotland.)	Amended	43
,, c. 103. in part.	Towns Improvement (Ireland.)	Repealed	52
18 & 19 Vict. c. 72. . .	Weights and Measures .	Repealed	49
* ,, c. 116. .	Diseases Prevention . .	Repealed	52
,, c. 120. .	Metropolis Management .	Amended	32
* ,, c. 121. .	Nuisances Removal . .	Repealed	52
,, c. 122. .	Metropolitan Building .	Amended	32
19 & 20 Vict. c. 38. . .	Factories	Repealed	16
,, c. 60. . .	Mercantile Law (Scotland) Amendment.	Amended	13
,, c. 97. . .	Mercantile Law Amendment	Amended	13
,, c. 98. . .	Burial Grounds (Ireland) .	Repealed	52
21 & 22 Vict. c. 100. .	Petty Sessions Clerk (Ireland.)	Amended	69
22 & 23 Vict. c. 56. . .	Weights and Measures .	Repealed	49
,, c. 61. . .	Matrimonial Causes . .	Amended	19
23 & 24 Vict. c. 26. . .	Common Lodging Houses (Ireland.)	Repealed	52
,, c. 68. . .	South Wales Highways .	Amended	34
,, c. 76. . .	Burial Grounds (Ireland) .	Repealed	52
* ,, c. 77. . .	Nuisances Removal, &c. .	Repealed	52
,, c. 93. . .	Commutation of Tithes .	Amended	42
,, c. 119. .	Weights and Measures (Ireland.)	Repealed	49
24 & 25 Vict. c. 70. . .	Locomotives . . .	Amended	58 and 77
,, c. 75. s. 6. .	Municipal Corporations .	Repealed	49
,, c. 109. .	Salmon Fisheries . .	Amended	39
,, c. 117. .	Lace Factories . . .	Repealed	16
25 & 26 Vict. c. 61. s. 7. in part.	Highways	Repealed	77
,, c. 76. in part.	Weights and Measures (Ireland.)	Repealed	49
,, c. 101. ss. 50, 51.	General Police and Improvement (Scotland.)	Repealed	30
,, c. 102. s. 101.	Metropolis Management .	Repealed	49
26 & 27 Vict. c. 7. . .	Customs—Tobacco Duties .	Amended	15
,, c. 40. . .	Bakehouses Regulation .	Repealed	16
,, c. 88. . .	Drainage and Improvement of Lands (Ireland).	Amended	59

* The Acts thus indicated (*) are repealed so far as relates to Ireland.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 41 & 42 Vict.
26 & 27 Vict. c. 112.	Telegraphs	Amended	76
* ,, c. 117.	Nuisances Removal Act	Repealed	52
27 & 28 Vict. c. 48.	Factories	Repealed	16
,, c. 101. s. 36.	Highways	Repealed	77
,, c. 117.	Metric Weights and Measures.	Repealed	49
*28 & 29 Vict. c. 75.	Sewage Utilization	Repealed	52
,, c. 83.	Locomotives	Amended	58 and 77
,, c. 121.	Salmon Fisheries	Amended	39
29 & 30 Vict. c. 4.	Cattle Disease (Ireland)	Repealed	74
,, c. 41.	Nuisances Removal	Repealed	52
,, c. 82.	Weights and Measures.	Repealed	49
,, c. 90. s. 19. in part.	Sanitary Act, 1866	Repealed	16
* ,, c. 90.	Sanitary Act, 1866	Repealed	52
,, c. 96.	Bills of Sale	Repealed	31
30 & 31 Vict. c. 5.	Excise Duty on Dogs	Amended	15
,, c. 94.	Weights and Measures. (Dublin.)	Repealed	49
,, c. 102.	Representation of the People	Amended	3 and 26
,, c. 103.	Factories	Repealed	16
* ,, c. 113.	Sewage Utilization	Repealed	52
,, c. 146.	Workshops Regulation	Repealed	16
31 & 32 Vict. c. 48.	Representation of the People (Scotland.)	Amended	5
* ,, c. 115.	Sanitary Act, 1868	Repealed	52
32 & 33 Vict. c. 14. s. 11.	Inhabited House Duty	Repealed	15
,, c. 14. s. 38.	Excise Duty on Dogs	Repealed	15
,, c. 41.	Poor Rates Assessment, &c.	Amended	26
,, c. 62.	Debtors	Amended	54
,, c. 70 in part.	Contagious Diseases (Animals.)	Repealed	74
* ,, c. 100.	Sanitary Loans Act, 1869	Repealed	52
,, c. 102.	Metropolitan Board of Works	Amended	37
,, c. 112.	Adulteration of Seeds	Amended	17
33 & 34 Vict. c. 10. s. 17. in part.	Coinage Act, 1870	Repealed	49
,, c. 24.	Metropolitan Board of Works	Amended	37
,, c. 36.	Cattle Disease (Ireland)	Repealed	74
,, c. 62.	Factories and Workshops	Repealed	16
,, c. 67.	Army Enlistment	Amended	10
,, c. 97.	Stamp Duty on Contract Notes.	Amended	15
34 & 35 Vict. c. 19.	Factories — Young persons professing the Jewish Religion.	Repealed	16
,, c. 47.	Metropolitan Board of Works	Amended	37
,, c. 103. in part.	Customs and Inland Revenue	Repealed	15
,, c. 104.	Factories and Workshops	Repealed	16
,, c. 109. in part.	Local Government (Ireland)	Repealed	52
35 & 36 Vict. c. 16.	Cattle Disease (Ireland)	Repealed	74
,, c. 33.	Ballot Act, 1872	Amended	41
,, c. 57.	Debtors (Ireland)	Amended	54

* The Acts thus indicated (*) are repealed so far as relates to Ireland.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 41 & 42 Vict.
35 & 36 Vict. c. 62. . .	Education (Scotland). .	Amended	78
,, c. 69. ss. 8, 9.	Local Government (Ireland)	Repealed	52
36 & 37 Vict. c. 71. . .	Salmon Fisheries . .	Amended	39
,, c. 78. . .	Sanitary Act (Ireland) Amendment.	Repealed	52
37 & 38 Vict. c. 6. . .	Cattle Disease (Ireland)	Repealed	74
,, c. 44. . .	Factories	Repealed	16
,, c. 45 in part.	County of Hertford, &c. .	Repealed	50
,, c. 47. . .	Prison Authorities . .	Amended	40
,, c. 93. . .	Public Health (Ireland) .	Repealed	52
38 & 39 Vict. c. 30. . .	Glebe Loans (Ireland) .	Amended	6
,, c. 34. . .	Bishopric of St Albans .	Amended	68
,, c. 55. s. 4. in part.	Public Health . . .	Repealed	16
,, c. 55. . .	Public Health—Water Supply.	Amended	25
,, c. 61. . .	Entail (Scotland) . .	Amended	28
,, c. 65. . .	Metropolitan Board of Works	Amended	37
,, c. 75. . .	Contagious Diseases (Animals), Scotland.	Repealed	74
,, c. 83. . .	Local Loans . . .	Amended	18
,, c. 89. . .	Public Works Loans . .	Amended	18
39 & 40 Vict. c. 19. . .	Salmon Fisheries . .	Amended	39
,, c. 35. . .	Customs—Tobacco Duties .	Amended	15
,, c. 36. . .	Customs Consolidation .	Amended	15
,, c. 51. . .	Cattle Disease (Ireland) .	Repealed	74
,, c. 54. . .	Bishopric of Truro . .	Amended	44
,, c. 55. . .	Metropolitan Board of Works	Amended	37
,, c. 56. . .	Commons	Amended	56
,, c. 79. s. 8., and s. 48. in part.	Elementary Education Act, 1876.	Repealed	16
40 & 41 Vict. c. 21. . .	Prisons	Amended	63
,, c. 27. . .	Public Works Loans—Lunatic Asylums.	Amended	24
,, c. 49. . .	Prisons (Ireland) . .	Amended	63
,, c. 52. . .	Metropolitan Board of Works	Amended	37
,, c. 53. . .	Prisons (Scotland) . .	Amended	63
,, c. 57. . .	Supreme Court of Judicature — Commissioners of Assize.	Amended	27
,, c. 65. . .	Fisheries (Dynamite) . .	Amended	39

Table B.—Acts of former Sessions repealed and amended—*continued.*

Repeals effected by the Statute Law Revision Act, 41 & 42 Vict. c. 79.

Act repealed by 41 & 42 Vict. c. 79.	Subject-matter of Act repealed.
6 Anne, c. 41. (1) in part.	Crown and Government Security.
c. 53. s. 26. (2)	Court of Exchequer in Scotland.
53 Geo. 3. c. 155. s. 89. in part.	Prince of Wales Island.
6 Geo. 4. c. 85. in part.	Prince of Wales Island.
7 Geo. 4. c. 16. s. 3. in part.	Chelsea and Kilmainham Hospitals.
9 Geo. 4. c. 58. s. 32.	Certificates for sale of Beer, &c.
6 & 7 Will. 4. c. 13. s. 29. in part.	Constabulary Force (Ireland).
2 & 3 Vict. c. 75. s. 2. in part.	Constabulary Force (Ireland).
3 & 4 Vict. c. 61. s. 8. in part.	Sale of Beer and Cider by Retail.
c. 96. in part.	Duties of Postage.
5 & 6 Vict. c. 95. in part.	Four Courts Marshalsea, Dublin, &c.
c. 106. in part.	Irish Fisheries.
6 & 7 Vict. c. 32. in part.	Grand Jury Presentments (Ireland).
c. 93. s. 26. in part.	Municipal Corporations (Ireland).
7 & 8 Vict. c. 49. ss. 6, 8.	Colonial Posts.
c. 52. s. 3.	Parish Constables.
c. 67.	Duty on Licenses to let Horses for Hire (Ireland).
c. 81. s. 82.	Marriages (Ireland).
c. 83. in part.	Savings Banks, and purchase of Government Annuities.
c. 90. s. 31.	Protection of Purchasers against Judgments.
c. 91. s. 70. in part.	Turnpike Trusts (South Wales).
c. 107. in part.	Offices attached to the Superior Courts of Law in Ireland.
8 & 9 Vict. c. 64. s. 3.	Retail of Spirits (Ireland).
c. 81. s. 8. in part.	Grand Jury Presentments, Dublin.
c. 100. in part.	Care and Treatment of Lunatics.
c. 112. in part.	Granting of certain Leases for Terms of years (Ireland).
10 & 11 Vict. c. 85. in part.	Transmission of Letters by Post.
11 & 12 Vict. c. 2. in part.	Crime and Outrage (Ireland).
c. 5. ss. 8., 9.	Government of the New Zealand Islands.
c. 21. ss. 88–90.	Insolvent Debtors (India).
c. 28. s. 15.	Imprisonment for Debt (Ireland).
c. 56.	Canada Union.
c. 92. s. 43.	Salmon, Trout, and other Inland Fisheries of Ireland.
c. 113. ss. 2., 3. in part.	Dublin Police.
c. 133.	Savings Banks (Ireland).
12 & 13 Vict. c. 48. s. 5.	Vancouver's Island.
c. 66. s. 7.	Colonial Posts.

(1) Chap. 7 in ordinary editions.

(2) Chap. 26, sect. 18, in ordinary editions.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 41 & 42 Vict. c. 79.	Subject-matter of Act repealed.
12 & 13 Vict. c. 91. in part.	Collection of Rates, Dublin.
c. 92. s. 11. in part.	Prevention of Cruelty to Animals.
c. 96. s. 6.	Trial of Offences committed within Admiralty Jurisdiction.
13 & 14 Vict. c. 15. ss. 7., 8.	Courts of Appeal for certain West India Colonies.
c. 18. in part.	Common Law Procedure (Ireland).
c. 59. s. 38.	Government of the Australian Colonies.
c. 69. in part.	Parliamentary Voters (Ireland).
c. 74. in part.	Office of Registrar of Judgments (Ireland).
c. 89. in part.	High Court of Chancery (Ireland).
c. 92. s. 5. in part.	Prevention of Cruelty to Animals (Scotland).
14 & 15 Vict. c. 38. s. 4. in part.	Relief of Turnpike Trusts.
c. 57. in part.	Civil Bills and Courts of Quarter Sessions (Ireland).
c. 65. s. 2.	Grand Jury Cess (Ireland).
c. 83. s. 10.	Administration of Justice, Court of Chancery, &c.
c. 85. s. 5.	Constabulary Force (Ireland).
16 & 17 Vict. c. 5. in part.	Stamp Duties on Patents for Inventions.
c. 34. s. 28. in part.	Duties on Property, Professions, Trades, and Offices.
c. 41. in part.	Common Lodging Houses.
c. 67. s. 17. in part.	Public Houses (Scotland).
c. 70. in part.	Proceedings under Commissions of Lunacy, &c.
c. 89. s. 3.	Admission of Professors to Lay Chairs in Universities of Scotland.
c. 95. in part.	Government of India.
c. 115. in part.	Patent Law Amendment.
17 & 18 Vict. c. 77. in part.	Letters Patent, &c. (India).
c. 102. s. 33.	Bribery, Treating, &c. at Elections.
c. 104. in part.	Merchant Shipping.
18 & 19 Vict. c. 53.	Haileybury College.
c. 93. ss. 1–4.	Court of Judicature of Prince of Wales Island, Singapore, &c.
c. 116. s. 13.	Prevention of Diseases.
c. 134. in part.	Court of Chancery.
21 & 22 Vict. c. 97. s. 4. in part.	Public Health.
c. 106. in part.	Government of India.
22 & 23 Vict. c. 22. in part.	Constabulary (Ireland).
23 & 24 Vict. c. 110.	Duties of Customs.
24 & 25 Vict. c. 14. s. 9. in part.	Savings Banks.
c. 21. s. 3. in part.	Duties of Excise and Stamps.
c. 45. s. 18. in part.	Formation and Maintenance of Piers and Harbours.
c. 67. in part.	Governor General of India.
c. 104. in part.	High Courts of Judicature (India).
c. 112. s. 10.	Appropriation of Seats vacated by Disfranchisement of Sudbury and Saint Alban.
25 & 26 Vict. c. 63. in part.	Merchant Shipping and Customs Consolidation Acts.
26 & 27 Vict. c. 12. in part.	Abolition of Office of Secretary at War, &c.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 41 & 42 Vict. c. 79.	Subject-matter of Act repealed.
26 & 27 Vict. c. 88. s. 38. in part.	Drainage and Improvement of Lands in Ireland.
c. 89. s. 1.	Removal of Poor Persons, Natives of Ireland, from England.
c. 102.	Duty on Rum.
27 & 28 Vict. c. 92.	Appointment of Persons to Offices in certain Governing Bodies.
28 & 29 Vict. c. 5. in part.	Incorporation of British Kaffraria with the Cape of Good Hope.
c. 15. s. 2. 5.	High Courts in India.
c. 17. s. 3.	Governor General of India, &c.
29 & 30 Vict. c. 36. in part.	Duties of Customs and Inland Revenue.
c. 67. in part.	Union of Vancouver Island with British Columbia.
c. 103. in part.	Constabulary Force (Ireland).
30 & 31 Vict. c. 36 in part.	Chester Quarter Sessions, &c.
c. 105. in part.	Councils of Conciliation between Masters and Workmen.
c. 122. in part.	Courts of Justice, &c.
31 & 32 Vict. c. 36.	Making perpetual the Alkali Act, 1863.

APPENDIX.

I.

ACTS OF SEDERUNT.

To secure Payment of Legacy Duty and Succession Duty Chargeable on Funds and Property *in manibus curiæ.*

Edinburgh, *March* 1, 1878.

Whereas by the 25th Section of the Statute 36 George III., cap. 52, entitled, "An Act for repealing certain duties on "Legacies and shares of personal Estates, and for granting "other duties thereon in certain cases," it is enacted "That if "any suit shall be instituted concerning the administration "of the personal Estate of any person dying testate or intestate, "or any part of such Estate in which any direction shall be "given touching the payment of any legacies or legacy of such "person, or the residue of his or her personal Estate, or any "part thereof, the Court wherein such suit shall be instituted "shall, in giving directions concerning the same, provide for "the due payment of the duties hereby imposed; and in "taking any account of any personal Estate, or otherwise "acting concerning the same, such Court shall take care that "no allowance shall be made in respect of any legacy, or part "of legacy, or of any residue, or part of residue, in any manner "whatsoever, without due proof of the payment of the duties "hereby imposed."

And whereas by the 53d Section of the Statute 16 & 17 Vict., cap. 51, entitled, "An Act for granting to Her Majesty "duties on Succession to property, and for altering certain "provisions of the Acts charging duties on legacies and shares "of personal Estates," it is enacted that "Whenever any suit "shall be pending in any Court for the administration of any "property chargeable with duty under this Act, or the Legacy "Duty Acts, such Court shall provide out of any property "which may be in the possession or control of the Court, for "the payment of duty to the Commissioners" of Inland Revenue.

The Lords Enact and Ordain as follows:—

I. No Decree, Warrant, or Order for payment of any money, consigned to abide the orders of the Court, and forming part

of the estate of any person deceased, shall be made in favour of any legatee or other person, entitled thereto by and through the testamentary writings of the said deceased person, or by and through his or her decease, until the duties chargeable thereon by the Acts imposing Legacy Duty and Succession Duty shall have been paid out of the same, or otherwise accounted for to the proper Officer in the department of Inland Revenue: Provided always, that when a motion is made for any such Decree, Warrant, or Order, the Lord Ordinary or the Court may appoint the Agent of the party making the motion, or failing him another enrolled Law Agent, to settle with the Officer of Inland Revenue the account of duties chargeable on the consigned money belonging to such party; and when the account is so settled, the Lord Ordinary or the Court shall order payment to be made out of such consigned money to the Officer of Inland Revenue of the amount of such duties, and to such Agent of his reasonable charges for settling the said account, before any Decree, Warrant, or Order is made in favour of such party.

II. No Decree or Order for the conveyance or transference of any property, whether heritable or moveable, chargeable with duty under the said Acts, shall be pronounced or issued, until provision has been made for the payment of such duty out of the said property, or until the said duty has been otherwise accounted for to the proper Officer in the department of Inland Revenue: Provided always, that when a motion is made for any such Decree or Order, the Lord Ordinary or the Court may appoint the Agent of the party making such motion, or failing him another enrolled Law Agent, to settle with the Officer of Inland Revenue the account of duties chargeable on such property; and when the account is so settled, the Lord Ordinary or the Court shall make an Order for payment to the Officer of Inland Revenue of the amount of such duties, and to such Agent of his reasonable charges for settling the said account; and in any Decree or Order to be thereafter pronounced or issued in favour of the party, the Lord Ordinary or the Court shall supersede extract till such payments shall have been made.

III. The Clerks of Court shall not present for the signature of the Lord Ordinary or the Court any such Decree, Warrant, or Order as aforesaid, without the provisions of this Act of Sederunt and of the said Acts having been first complied with.

And the Lords APPOINT this Act to be inserted in the Books of Sederunt, and to be published in common form.

(Signed) JOHN INGLIS, *I.P.D.*

TO AMEND THE ACT OF SEDERUNT OF 20TH DECEMBER 1873 ANENT EXAMINATIONS OF LAW AGENTS.

EDINBURGH, 20*th July* 1878.

THE LORDS ENACT AND DECLARE—That it shall not be necessary for any applicant for admission as a Law Agent, who holds the degree of Bachelor of Laws (LL.B.), or of Bachelor of Law (B.L.) of any Scottish University, to undergo an examination in Law on any of the subjects prescribed by the Second Section of the Act of Sederunt of 20th December 1873, excepting only on 'Forms of Process, Civil and Criminal.'

And the Lords APPOINT this Act to be inserted in the Books of Sederunt, and to be printed and published in common form.

(Signed) JOHN INGLIS, *I.P.D.*

II.

CHAPTER ccxx.

An Act to authorise the application to other educational purposes, or the sale or letting, of School-houses and other School Properties held on behalf of Congregations of the Free Church of Scotland; and for other purposes.—[8*th August* 1878.] A.D. 1878

WHEREAS by an act of the General Assembly of the body of Christians calling themselves the Free Church of Scotland, (herein-after called "the Free Church,") dated the twenty-ninth day of May one thousand eight hundred and forty-three, the Assembly approved of a report of their committee on providing means for the education of students for the ministry and the establishment of a system of schools, and instructed the committee to take immediate steps for the establishment of a school in connexion with every congregation:

And whereas large sums of money were from time to time contributed and have been expended for the purpose of promoting the establishment of schools in connexion with the respective congregations of the Free Church; and numerous schoolhouses, schoolmasters houses, and other school properties

A.D. 1878 now belong to or are held in lease for behoof of those congregations:

And whereas the Education Committee of the Free Church prepared the draft of a deed, which is generally known as "the model trust deed for schools," to be embodied or referred to in the disposition, feu charter, or other conveyance or lease of the ground or site acquired for the erection of such school-houses:

And whereas the titles to many of the said school properties have been taken in terms of the model trust deed for schools; and certain other of such school properties are held under titles taken in terms of another deed, the draft of which was prepared by direction of and approved by the General Assembly of the Free Church, which deed is generally known as "the model trust deed for churches;" and certain other of the said school properties are held under titles granted under powers contained in the Act 3 and 4 Victoria, chapter 48, intituled "An Act to enable proprietors of entailed estates in Scotland "to feu or lease on long leases portions of the same for the "building of churches and schools, and for dwelling-houses "and gardens for the ministers and masters thereof," (hereinafter called "the Act of 1840," and in the Act 4 and 5 Victoria, chapter 38, intituled "An Act to afford further facilities "for the conveyance and endowment of sites for schools" (herein-after called "the Act of 1841"):

35 & 36 Vict. c. 62. And whereas the Education (Scotland) Act, 1872, herein-after called "the Education Act," was passed "to amend and "extend the provisions of the law of Scotland on the subject "of education:"

And whereas, under the provisions of the Education Act, a considerable number of the said school properties have been transferred to the school boards of the parishes and burghs within which they are respectively situated; but there remain a considerable number of such school properties which have not been so transferred, and which, in consequence of the passing of the Education Act, are not now required for the purposes for which they were provided:

And whereas it is expedient that, notwithstanding the purposes specified and the terms and conditions contained in the said model trust deeds and in the aforesaid titles, provision should be made for appropriating to other educational purposes the school properties held under those deeds and titles, and for selling or letting such of the said school properties as may not be so appropriated, and for applying the prices and rents received for the same, but subject always to the provisions herein-after contained:

And whereas the objects aforesaid cannot be effected without the authority of Parliament: A.D. 1878

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the Free Church of Scotland School Properties Act, 1878. Short title.

2. In this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction; (that is to say,) Interpretation of terms.

"School property" or "school properties" shall mean and include schoolhouses, schoolmasters houses, land held and used in connexion therewith, and other appurtenances thereof, and the furniture and fittings of the same, whether the site thereof be held in property or in lease:

"General Assembly" shall mean the General Assembly of the Free Church:

"Deacons court" shall mean and include the office-bearers, being the minister, elders, and deacons, or elders acting as deacons, in each congregation:

"Guardian" shall include tutors and curators of pupils or minors, or of persons labouring under incapacity or disability, factors loco tutoris and factors loco absentis, and husbands.

3. The deacons court of each congregation of the Free Church for whose behoof or in connexion with which any school property is held may, with the consent of the General Assembly (certified under the hands of the moderator and clerk of the General Assembly sitting at the time or of the immediately preceding General Assembly, or under the hands of the persons generally known or understood to hold these offices), appropriate such school property, or any part thereof, to such educational uses, including Sabbath schools, libraries, lectures, &c. in connexion with such congregation, as such deacons court may think fit; and the same may be used accordingly, notwithstanding any restrictions or conditions with respect to the use or reversion or forfeiture thereof contained or referred to in the titles under which it is held: Provided always, that any portion of such school property erected or used for the purpose of a dwelling-house may continue to be used as such, subject to the proviso that in the case of any Power to appropriate school properties to other educational purposes.

A.D. 1878 school property held by a title granted under the powers of the Act of 1840 or of the Act of 1841, such continued use thereof as a dwelling-house shall not be exercised without the consent of the granter of such title, or of his successor in possession at the time of the estate of which such property or the site thereof originally formed part.

Power to sell or let school properties.

4. If the deacons court of the congregation for whose behoof or in connexion with which any school property is held, or the General Assembly, shall consider that such school property cannot be, or at any time has ceased to be, beneficially appropriated to educational uses as aforesaid, or may with greater advantage be sold or let for other purposes, such deacons court may, with the consent of the General Assembly, certified in manner herein-before provided, but always subject to the provisions herein-after contained, sell at the highest price which can be obtained such school property, or any part thereof, in such manner as they shall consider most expedient, and either by public roup or private bargain, and thereupon the trustees or other persons or person in whose names or name such school property is vested may convey or assign the same to the purchaser; or such deacons court, with consent aforesaid, may from time to time let the same at the highest rent which can be safely obtained, for such period and on such terms and conditions as they shall think proper, and they shall hold or apply the free proceeds of the sale of such school property, if sold, or the proportion thereof falling to such congregation as herein-after mentioned, and the free rents of such school property, if let, in the manner herein-after provided.

For protection of proprietors of estates of which sites of school properties originally formed part.

5. Provided always, that in any case where the school property intended to be sold or let as aforesaid, or the site thereof, is held by a title under which, either by reference to the Act of 1840 or to the Act of 1841, or otherwise than by incorporation of or reference to the terms and conditions of the said model trust deeds, the use of such school property is restricted, or any right therein is reserved to the person from whom such school property or site was acquired or to his successors, in the event of the same being used otherwise than for the purposes for which it was acquired, or ceasing to be used for these purposes, the deacons court of the congregation for whose behoof or in connexion with which such school property is held shall, before selling or letting the same, give notice in writing of their intention to such person, or to his successor in possession at the time of the estate of which such school property or site originally formed part. After receiving such notice such person, or his successor in possession at the time of such estate, may intimate to the deacons court either (1) his desire to pur-

chase the said school property; or (2) his consent to the same being sold or let by the deacons court, subject to any terms and conditions which he may think fit. In the event of his intimating his desire to purchase the school property the value thereof at the time shall be ascertained by agreement, or (failing agreement) by an arbiter to be mutually agreed upon by the parties, or (if they do not agree upon an arbiter) to be appointed, on the application of either party, by the sheriff depute of the county in which the same is situate, and shall be paid by the purchaser to the deacons court, with interest from the date of the purchaser's entry. All the expenses of such arbitration and incident thereto, to be settled by such arbiter, shall be borne by the deacons court, unless the arbiter shall award a larger sum than shall have been previously offered by the purchaser, in which case he and the deacons court shall respectively bear his and their own expenses incident to the arbitration, but in all cases the expenses of the arbiter shall be borne by the deacons court. Unless and until one or other of such intimations is made to the deacons court such school property shall not be sold or let; and in the event of no such intimation being made within six months after such notice in writing by the deacons court as aforesaid, all the restrictions and conditions with respect to the use or reversion or forfeiture thereof contained or referred to in the titles under which it is held shall remain in full force and effect. A.D. 1878

Restrictions as to use of school properties not to apply where imposed only by model trust deeds, or where heir in possession consents to sale or lease.

6. Where any school property is held under a title containing no restrictions with respect to the use thereof otherwise than by incorporation of or reference to the terms and conditions of the said model trust deeds, or where the person in possession at the time of the estate of which any school property originally formed part has consented to such school property being sold or let by the deacons court of the congregation for whose behoof or in connexion with which it is held, such school property may be sold or let in the manner herein-before provided, and shall be held free and disburdened from any restrictions with respect to the use thereof, and from any provisions for reversion or forfeiture of the same to or in favour of the proprietor of the estate of which the same originally formed part, contained in or provided by the titles under which such school property is held, or the Act of 1840, or the Act of 1841, but such school property shall nevertheless be subject to any terms and conditions which may be agreed to between the deacons court and the person in possession at the time of such estate.

Consents may be

7. It shall be lawful for heirs of entail in possession for the time being of estates of which any school properties originally

A.D. 1878

given by heirs of entail, &c.

formed part, if of lawful age, and for the guardians of such heirs of entail or of other proprietors of such estates, if such heirs or proprietors be in pupillarity or minority or under any other legal disability, and for trustees and other persons holding limited interests in such estates, to consent as aforesaid to any sales or leases of such school properties; and for the purposes of this Act such heirs of entail, guardians, trustees, and other persons holding limited interests in such estates, shall be deemed the proprietors thereof.

Restriction as to sales of school properties to which Government grants have been made.

8. Where any grant has been made out of any money voted by Parliament for the purposes of education in Great Britain, under the advice of any Committee of the Council on Education, for or towards the purchase of the site, or the erection, enlargement, or repair of any schoolhouse, or of the residence of the master or mistress thereof, or the furnishing of such schoolhouse or residence, nothing contained in this Act shall render valid any sale of the premises in respect of which such grant has been made, unless either the consent of the Secretary of State for the Home Department for the time being in writing under his hand be given to the same, or the amount of the grant made as aforesaid be repaid to the Lords Commissioners of the Treasury for the time being.

As to division of proceeds of sale.

9. Where any part of the original cost of the purchase, erection, or furnishing of any school property which shall be sold under the powers of this Act shall have been contributed by the General Assembly, the free proceeds of the sale of such school property, after deducting the reasonable expenses of and consequent upon the sale and any sum which under the provisions herein-before contained may be repaid to the Lords Commissioners of the Treasury in respect of any grant made with relation to such school property, shall, in cases where such free proceeds shall not amount to the aggregate sums contributed by the General Assembly and by the congregation for whose behoof or in connexion with which such school property is held respectively, be divided between the General Assembly and the deacons court of such congregation, in proportion to the respective amounts contributed towards such cost by the General Assembly on the one hand and by such congregation on the other hand; and in cases where such free proceeds shall amount to or exceed the aggregate sums contributed by the General Assembly and by such congregation respectively, such free proceeds shall be applied in the first place in payment to the General Assembly of the sum contributed by them, and the balance shall be paid over to the deacons court of such congregation; such cost, except in so far as defrayed out of any grant made as aforesaid or contributed by the General Assem-

bly, being in all cases held to have been contributed by such congregation; and where no part of such cost was contributed by the General Assembly such free proceeds shall be paid over to such deacons court; and no subscriber or contributor (other than the General Assembly), whether by gift, bequest, or otherwise, of sums employed in the purchase, erection, enlargement, furnishing, repair, or maintenance of any school property, nor the heirs or representatives of any such subscriber or contributor, shall have any concern or interest in the proceeds of the sale of any of the said properties if sold, or in the rents or use thereof when not sold; and no such subscriber or contributor (other than the General Assembly), nor the heirs or representatives of any such subscriber or contributor, and no purchaser or lessee of any school property, shall have any concern or interest in the application of such proceeds of sale or rents.

Application of proceeds of sale and rents.

10. The portions of the free proceeds of sale received by the General Assembly as aforesaid shall be applied by them towards such of the following purposes, in relation to educational interests in connexion with the Free Church, as they may appoint; that is to say, towards the granting of pensions or allowances to retired teachers (so far as the same are not paid by deacons courts as herein-after provided), the support of normal schools, the payment of fees of normal school students attending universities or colleges, the foundation of scholarships or bursaries, or the establishment or maintenance of a school or schools. The free proceeds or portions of free proceeds of sale and the rents received by each deacons court as aforesaid shall be applied by them towards such purposes as aforesaid, in connexion with their congregation or with the Free Church, as may be sanctioned by the General Assembly, or towards the establishment and maintenance of a Sabbath school or Sabbath schools, and of a library where deemed expedient, or for school prizes: Provided always, that if there shall be a retired teacher of a school attached or which may have been attached to such congregation to whom the General Assembly shall have granted a pension or allowance, the payment thereof shall, to such extent as may be agreed upon between the General Assembly and such deacons court, form a primary charge on the sums received by such deacons court as aforesaid: Provided also, that no part of the capital sums arising from the free proceeds of sale of school properties shall be applied to any of the aforesaid purposes except the establishment of schools or libraries; but, except so far as applied to the last-mentioned purposes, such capital sums shall be invested by the General Assembly or the respective deacons courts, as the case may be, upon deposit in any bank carrying

A.D. 1878 on business in Great Britain and incorporated under Act of Parliament or by Royal charter, or upon heritable security, or in the purchase of Government stocks, Exchequer bills, feu duties, or ground annuals, or of mortgages, debentures, debenture stock, or guaranteed or preference shares or stock of any company carrying on business in Great Britain incorporated by Act of Parliament and paying dividend on their ordinary share capital, or of any dock, harbour, or navigation trust, or municipal authority in Great Britain; and the interest or other annual income of such capital sums may be applied to any of the purposes herein-before specified.

General saving.

11. Nothing contained in this Act shall be construed as requiring the application to educational purposes of any school properties, or of the proceeds of sale or rents of any school properties, held under titles which do not require the same to be used for such purposes, nor as requiring the consent of the General Assembly to the exercise with respect to any school property of any power of sale or letting or application which could, previously to the passing of this Act, have been exercised without such consent.

Not to affect ss. 37-39 of 35 & 36 Vict. c. 62.

12. Nothing contained in this Act shall affect the provisions contained in the thirty-seventh, thirty-eighth, and thirty-ninth sections of the Education Act.

Expenses of Act.

13. The costs, charges, and expenses of and incident to preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid in the first instance by the General Assembly, who may charge the same upon the proceeds of the sales of school properties, when realised by the several deacons courts, in such proportions as the General Assembly may consider just.

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